

**UNOFFICIAL VERSION**

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**THURSDAY, MAY 2, 2019**

**THIRTY-FIFTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 10:30 a.m., and pursuant to Senate Rule of Order 3, was called to order by Madam Speaker Akbari.

**PRAYER**

The proceedings were opened with prayer by Pastor Bryan McAlister of Walnut Street Church of Christ in Dickson, Tennessee, a guest of Senator Roberts.

**PLEDGE OF ALLEGIANCE**

Senator Roberts led the Senate in the Pledge of Allegiance to the Flag.

**SALUTE TO THE FLAG OF TENNESSEE**

Senator Roberts led the Senate in the Salute to the Flag of Tennessee.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

**SPEAKER RESUMES CHAIR**

Mr. Speaker McNally resumed the Chair.

**STANDING COMMITTEE REPORT**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 537, 561, 705 with amendment, 911 and 1434 with amendment.

WATSON, Chairperson  
May 2, 2019

The Speaker announced that he had referred Senate Bills Nos. 537, 561, 705 with amendment, 911 and 1434 with amendment to the Committee on Calendar.

**MOTION**

Senator Johnson moved, pursuant to Rule 21, **House Joint Resolutions Nos. 132 and 648 through 654** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 132** -- General Assembly, Statement of Intent or Position -- Expresses support for a teacher's bill of rights.

The Speaker announced that he had referred House Joint Resolution No. 132 to the Committee on Education.

**House Joint Resolution No. 648** -- Memorials, Academic Achievement -- Allison Jones, Salutatorian, Craigmont High School.

The Speaker announced that he had referred House Joint Resolution No. 648 to the Committee on Calendar.

**House Joint Resolution No. 649** -- Memorials, Academic Achievement -- Shatara Woodall, Valedictorian, Craigmont High School.

The Speaker announced that he had referred House Joint Resolution No. 649 to the Committee on Calendar.

**House Joint Resolution No. 650** -- Memorials, Recognition -- Marion County School District, Marion County Commission, and Marion County Library Board of Trustees.

The Speaker announced that he had referred House Joint Resolution No. 650 to the Committee on Calendar.

**House Joint Resolution No. 651** -- Memorials, Public Service -- Metro Nashville Councilman Doug Pardue.

The Speaker announced that he had referred House Joint Resolution No. 651 to the Committee on Calendar.

**House Joint Resolution No. 652** -- Memorials, Public Service -- Metro Nashville Councilman Anthony Davis.

The Speaker announced that he had referred House Joint Resolution No. 652 to the Committee on Calendar.

**House Joint Resolution No. 653** -- Memorials, Death -- Lemonte' Jermaine Spencer.

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The Speaker announced that he had referred House Joint Resolution No. 653 to the Committee on Calendar.

**House Joint Resolution No. 654** -- Memorials, Interns -- Jonathan Castor.

The Speaker announced that he had referred House Joint Resolution No. 654 to the Committee on Calendar.

### MOTION

Senator Johnson moved that Rule 37 be suspended for the purpose of making and considering Calendar No. 1 consisting of the following bills: **Senate Joint Resolution No. 178; Senate Bills Nos. 153, 187 and 1231; House Joint Resolution No. 140; and Senate Bill No. 325**, which motion prevailed.

### MOTION

Senator Johnson moved that Rule 37 be suspended for the purpose of allowing all bills recommended for passage by the Committee on Finance, Ways and Means Thursday, May 2, 2019, to be placed on Calendar No. 2 for Thursday, May 2, 2019, which motion prevailed.

### MOTION

Senator Jackson moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering the Consent Calendar consisting of the following bills: **House Joint Resolutions Nos. 648, 649, 650, 651, 652, 653 and 654**, which motion prevailed.

### CONSENT CALENDAR

**House Joint Resolution No. 648** -- Memorials, Academic Achievement -- Allison Jones, Salutatorian, Craigmont High School.

**House Joint Resolution No. 649** -- Memorials, Academic Achievement -- Shatara Woodall, Valedictorian, Craigmont High School.

**House Joint Resolution No. 650** -- Memorials, Recognition -- Marion County School District, Marion County Commission, and Marion County Library Board of Trustees.

**House Joint Resolution No. 651** -- Memorials, Public Service -- Metro Nashville Councilman Doug Pardue.

**House Joint Resolution No. 652** -- Memorials, Public Service -- Metro Nashville Councilman Anthony Davis.

**House Joint Resolution No. 653** -- Memorials, Death -- Lemonte' Jermaine Spencer.

**House Joint Resolution No. 654** -- Memorials, Interns -- Jonathan Castor.

Senator Jackson moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes ..... 32  
Noes ..... 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

### MOTION

Senator Jackson moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering the Local Bill Consent Calendar consisting of the following bills: **Senate Bills Nos. 1550 and 1551**, which motion prevailed.

### LOCAL BILL CONSENT CALENDAR

Objections having been raised, the following bill was placed at the heel of the calendar for Thursday, May 3, 2019, pursuant to Rule 38: **Senate Bill No. 1550**.

**Senate Bill No. 1551** -- Dickson -- Subject to local approval, creates a municipal court. Amends Chapter 274 of the Private Acts of 1924; as amended.

On motion, Senate Bill No. 1551 was made to conform with **House Bill No. 1543**.

On motion, House Bill No. 1543, on same subject, was substituted for Senate Bill No. 1551.

Senator Jackson moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 33  
Noes ..... 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

### MOTION

Senator Jackson moved that Rule 19 and Rule 44 be suspended for the purpose of making and considering the Message Calendar consisting of the following bill: **House Bill No. 565**, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 565** -- Statutes of Limitations and Repose -- As introduced, extends civil and criminal statutes of limitation for certain acts of abuse against minors; increases the penalty for intentional failure to report child abuse or child sexual abuse. Amends TCA Title 28; Title 37 and Title 40.

Senator Gresham moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 565**, which motion prevailed.

Senator Gresham moved that **House Bill No. 565** be held on the Clerk's desk, which motion prevailed.

**CALENDAR NO. 1**

**Senate Joint Resolution No. 178** -- Constitutional Amendments -- Proposes amendment to remove Article IX, Section 1 of the Constitution of Tennessee, which provides that no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature.

Senator Pody moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution, for the third time.

Thereupon, Mr. Speaker McNally declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 178** had been read, for the third time.

Thereupon, **Senate Joint Resolution No. 178** was adopted by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Akbari, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

**Senate Bill No. 153** -- Sunset Laws -- As introduced, extends the Tennessee board of judicial conduct to June 30, 2020. Amends TCA Title 4, Chapter 29 and Title 17, Chapter 5.

Senator Roberts moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-242(a), is amended by inserting the following language as a new, appropriately designated subdivision:

( ) Tennessee board of judicial conduct, created by § 17-5-201;

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 153**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

**Senate Bill No. 187** -- Education -- As introduced, requires the safety instruction provided by a school to include information about the proper and safe usage of dockless electric scooters, if such scooters are available for use in the area around the school. Amends TCA Title 49.

On motion, Senate Bill No. 187 was made to conform with **House Bill No. 982**.

On motion, House Bill No. 982, on same subject, was substituted for Senate Bill No. 187.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new section:

Tennessee comprehensive assessment program (TCAP) tests administered in the 2019-2020 school year must be administered in paper format. Before TCAP tests are administered in the 2020-2021 school year, each LEA shall participate in an online verification test conducted by the department of education. The commissioner of education shall determine, based on the results of the online verification test, the format for TCAP tests administered in the 2020-2021 school year.

SECTION 2. Tennessee Code Annotated, Section 49-6-1021, is amended by adding the following language as a new subsection:

(g) Subsections (e) and (f) apply to the 2020-2021 school year and each school year thereafter.

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SECTION 3. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 2 of this act shall take effect at 12:01 a.m. on July 1, 2019, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 982**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbro and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 1231** be placed at the heel of Calendar No. 1 for today, which motion prevailed.

**MOTION**

Senator Gresham moved that **House Bill No. 565**, as amended, be returned to the House, which motion prevailed.

**CALENDAR NO. 1**

**House Joint Resolution No. 140** -- General Assembly, Statement of Intent or Position -- Urges state and federal courts to refrain from giving judicial deference to state agencies in their interpretation of statutes and administrative rules.

Senator Kelsey declared Rule 13 on **House Joint Resolution No. 140**.

Thereupon, **House Joint Resolution No. 140** was concurred in by the following vote:

Ayes .....	29
Noes .....	2
Present, not voting . . .	2

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Watson, White, Yager and Mr. Speaker McNally--29.

Senators voting no were: Akbari and Robinson--2.

Senators present and not voting were: Gilmore and Yarbro--2.

A motion to reconsider was tabled.

**Senate Bill No. 325** -- Taxes -- As introduced, authorizes electronic transmission of the angel investor tax credit report by the Tennessee technology development corporation. Amends TCA Title 67; Chapter 72 of the Public Acts of 2011; Chapter 193 of the Public Acts of 2017; Chapter 273 of the Public Acts of 2015; Chapter 452 of the Public Acts of 2017; Chapter 480 of the Public Acts of 2013; Chapter 530 of the Public Acts of 2009 and Chapter 602 of the Public Acts of 2007.

On motion, Senate Bill No. 325 was made to conform with **House Bill No. 326**.

On motion, House Bill No. 326, on same subject, was substituted for Senate Bill No. 325.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 326** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

### **NOTICE**

#### **MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 513. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

#### **REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 513/SENATE BILL NO. 452**

The report was received and filed with the Clerk.

#### **REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 513/SENATE BILL NO. 452**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 513 (Senate Bill No. 452) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment (#9242) be adopted:



AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 17, Chapter 5, is amended by deleting the chapter and substituting instead the following:

17-5-101.

The regulation of judicial conduct is critical to preserving the integrity of the judiciary and enhancing public confidence in the judicial system. This chapter is intended to provide an orderly and efficient method for making inquiry into the physical, mental, and moral fitness of any Tennessee judge; the judge's manner of performance of duty; and the judge's commission of any act that reflects unfavorably upon the judiciary of the state or brings the judiciary into disrepute or that may adversely affect the administration of justice in this state. This chapter further is intended to provide a process by which appropriate sanctions may be imposed.

17-5-102.

(a) This chapter applies to:

(1) All Tennessee judges, including, but not limited to, appellate, trial, general sessions, probate, juvenile, and municipal judges, senior judges, claims commissioners, and all other judges sitting on or presiding over any court created by the general assembly or by the express or implied authority of the general assembly;

(2) All persons for their conduct while sitting or presiding over any judicial proceeding, including, but not limited to, persons sitting by special appointment; and

(3) Candidates for judicial office, as defined by the Code of Judicial Conduct, Rule 10 of the Rules of the Tennessee Supreme Court.

(b) This chapter does not apply to administrative law judges.

(c) This chapter regulates judicial behavior, not judicial decision-making.

17-5-103.

This chapter must be liberally construed to accomplish the declared purposes and intents set forth in this chapter.

17-5-201.

(a) As of the effective date of this act, the existing membership of the Tennessee board of judicial conduct is vacated and reconstituted to consist of sixteen (16) members as follows:

(1) Two (2) current or former trial judges, to be appointed by the Tennessee trial judges association;

(2) One (1) current or former general sessions court judge, to be appointed by the Tennessee general sessions judges conference;

(3) One (1) current or former municipal court judge, to be appointed by the Tennessee municipal judges conference;

(4) One (1) current or former juvenile court judge, to be appointed by the Tennessee council of juvenile and family court judges;

(5) One (1) current or former court of appeals or court of criminal appeals judge, to be appointed by the Tennessee supreme court;

(6) Two (2) members who are attorneys licensed to practice law in this state but who are not current or former judges, to be appointed by the governor;

(7) Four (4) members, including three (3) who are neither a judge nor an attorney and one (1) who is a current or former judge, to be appointed by the speaker of the house of representatives; and

(8) Four (4) members, including three (3) who are neither a judge nor an attorney and one (1) who is a current or former judge, to be appointed by the speaker of the senate.

(b)(1) All appointments to the board must be made by July 1, 2019.

(2) In order to stagger the terms of the newly appointed board members, initial appointments must be made as follows:

(A) The members appointed under subdivisions (a)(1)-(5) serve initial terms of one (1) year, which expire on June 30, 2020;

(B) The members appointed under subdivision (a)(6) and the current or former judges appointed under subdivisions (a)(7) and (8) serve initial terms of two (2) years, which expire on June 30, 2021; and

(C) The members appointed under subdivisions (a)(7) and (8) who are neither judges nor attorneys serve initial terms of three (3) years, which expire on June 30, 2022.

(3) Following the expiration of members' initial terms as prescribed in subdivision (b)(2), all terms are for three (3) years, to begin on July 1 and terminate on June 30, three (3) years thereafter.

(4) Each member of the board appointed under subdivisions (b)(2)(A) and (B) may be appointed to two (2) additional consecutive three-year terms. Each member appointed under subdivision (b)(2)(C) may be appointed to one (1) additional consecutive three-year term.

(5) A member whose initial term is created by a vacancy and who has served in the position for less than three (3) years is eligible to serve two (2) consecutive three-year terms following the expiration of the term in which the vacancy occurred. Vacancies on the court for an unexpired term must be filled for the remainder of the term in the same manner that original appointments are made, but are for the duration of the unexpired term only. Vacancies are filled in the same manner that original appointments are made.

(6) A member who has served the maximum term is eligible for reappointment after the expiration of three (3) years.

(c) The board shall select:

(1) Its own chair from among the current or former judges serving on the board, who shall serve as a direct liaison to the members of the general assembly; and

(2) Its own vice chair.

(d)(1)(A) The chair shall divide the board into:

(i) Five (3) investigative panels of three (3) members each, with each investigative panel to be composed of at least one (1) member who is a current or former judge; and

(ii) Three (3) hearing panels of five (5) members each, with two (2) hearing panels to each be composed of three (3) non-judicial members and two (2) members who are current or former judges, and one (1) hearing panel to be composed of two (2) non-judicial members and three (3) members who are current or former judges.

(B) The chair shall not serve as a permanent member of an investigative panel or hearing panel but may serve as a member of a panel on a temporary basis to fill a vacancy.

(C) Membership on the panels may rotate in a manner determined by the chair; however, no members may sit on both the hearing and investigative panels for the same proceeding.

(2) A hearing panel has the duty and authority to rule on prehearing motions, conduct hearings on formal charges, make findings and conclusions, impose sanctions, or dismiss the case.

(3)(A) An investigative panel has the duty and authority to:

(i) Review the recommendations of the disciplinary counsel after a preliminary investigation and either authorize a full investigation or dismiss the complaint; and

(ii) Review the recommendations of the disciplinary counsel after a full investigation and approve, disapprove, or modify the recommendations as provided in § 17-5-303(c)(3).

(B) The investigative panel shall require a full investigation when a motion to dismiss a complaint fails to receive a unanimous vote from the panel or where a motion to authorize a full investigation passes by a majority vote of the panel.

(4) An attorney member of the board shall not sit on an investigative or hearing panel if the attorney has ever appeared before the judge against whom the complaint is filed.

(5)(A)(i)(a) A current or former judge who serves on the board and is the subject of a full investigation by the board or is a party to a hearing before the board must recuse himself or herself from the board pending the completion of such action, with the vacancy to be filled for the duration of the recusal only.

(b) A current or former judge who is subject to a deferred discipline agreement must recuse himself or herself from the board for the duration of the agreement, with the vacancy to be filled for the duration of the recusal only.

(ii) A citizen member of the board must recuse himself or herself to avoid any impropriety, appearance of impropriety, or conflict of interest relating to the person's duties as a board member and matters that may come before the board.

(B) A current or former judge whose conduct results in the board taking public disciplinary action against the judge will result in the judge's automatic dismissal from the board, creating a vacancy to be filled by the appropriate appointing authority.

(C) If a member recuses himself or herself or is dismissed pursuant to this subdivision (d)(5), all board matters may be heard by the remaining members of the board or, at the option of the members, a temporary replacement may be

designated from the board by a majority vote of such members to sit on any investigative or hearing panel the recused or dismissed member was on.

(e) The board shall sit at such times and in such places as it may, from time to time, deem expedient.

(f) The board may promulgate rules regulating the practice and procedure before the board. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(g) The clerk of the supreme court serves as the clerk of the board, and shall keep such records, minutes, and dockets as the board from time to time prescribes.

(h) Members of the board receive no compensation for their services; however, they are reimbursed for food, lodging, and travel expenses pursuant to policies and guidelines promulgated by the supreme court. All expenses for which reimbursement is allowed under this section must be submitted by the members of the board to the administrative director of the courts upon forms provided and prescribed by that officer.

(i) The appointing authorities, in making their appointments, shall strive to ensure the makeup of the board reflects the diversity of persons in Tennessee.

17-5-202.

(a)(1) By the twentieth day of each month, the board shall compile and transmit to the judiciary committee of the house of representatives and the judiciary committee of the senate a report containing at least the following information for the previous month:

(A) The number and category of complaints opened;

(B) The number and category of complaints closed; and

(C) The disposition of the complaints closed by category.

(2) The monthly report must also contain a cumulative, year-to-date total for the complaints reported in subdivisions (a)(1)(A)-(C).

(b) By the twentieth day of January, April, July, and October of each year, the board shall compile and transmit to the judiciary committee of the house of representatives and the judiciary committee of the senate a report containing at least the following information for the prior three-month period:

(1) The number of complaints opened;

- (2) The number of complaints closed;
- (3) The disposition of complaints closed;
- (4) The number of complaints pending;
- (5) The number of complaints for which probable cause has been found;
- (6) The number of complaints for which formal charges have been filed based on a recommendation by an investigative panel, including the nature of the charge, the names of the complainant or complainants, and the judge against whom the complaint is filed;
- (7) The nature of any complaint filed according to the following categories:

- (A) Failure to comply with the law;
- (B) Bias, prejudice, and unfairness;
- (C) Discourtesy;
- (D) Abuse of office;
- (E) Delay;
- (F) Ex parte communication;
- (G) Disability;
- (H) Political violation;
- (I) Recusal; and
- (J) Miscellaneous;

(8) The type of judge against whom a complaint is filed by category; and

(9) A list of votes taken by each board member as follows:

- (A) The member's name;
- (B) The number of times the member voted to dismiss a complaint while on an investigative panel; and
- (C) The number of times the member voted to authorize an investigation while on an investigative panel.

(c) The quarterly reports must contain a cumulative, year-to-date total of the information compiled in subsection (b).

(d) The October report must also contain a five-year statistical comparison of the prior five (5) fiscal years for the same categories.

(e) The board shall promulgate rules to establish a formal records retention policy and shall review the policy on an annual basis to determine if changes should be made. Such rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

17-5-203.

(a) The chair of the board shall provide the speaker of the senate and the speaker of the house of representatives with the name, type of judge, judicial district, if applicable, the reason for the reprimand, and the number of previous reprimands within five (5) business days of the occurrence of each of the following actions:

(1) A judge receives a second or subsequent public reprimand for conduct occurring during the period of time the person is a sitting judge;

(2) A judge receives a second or subsequent private reprimand for conduct within the same misconduct category set out in § 17-5-202(b)(7) occurring during any eight-year term the person holds the office of judge; or

(3) A judge receives a third or subsequent private reprimand for conduct within any of the misconduct categories set out in § 17-5-202(b)(7) occurring during any eight-year term the person holds the office of judge.

(b)(1) The notice provided to the speakers pursuant to subdivision (a)(1) is a public record.

(2) The notice provided to the speakers pursuant to subdivision (a)(2) or (a)(3) remains confidential unless the general assembly opens an investigation of a judge pursuant to article VI, § 6 or article V of the Tennessee Constitution.

17-5-301.

(a) The board is given broad powers to investigate, hear, and determine charges sufficient to warrant sanctions or removal, and to carry out its duties in all other matters as set forth in this chapter.

(b) The board is specifically authorized to administer oaths and affirmations, to issue process to compel the attendance of witnesses and the

production of evidence, to conduct hearings, and to use, exercise, and enjoy any of the powers normally exercised by courts of record in this state. The Tennessee Rules of Civil Procedure are applicable, and the Tennessee Rules of Evidence govern the presentation of proof. The board shall conduct discovery and review the materials collected in camera; provided, that only materials relevant to the investigation shall be made public.

(c) No action of the board is valid unless concurred in by a majority of the members voting upon the action.

(d) The attorney serving as disciplinary counsel for the board immediately preceding the effective date of this act shall relinquish the position and a new disciplinary counsel is to be appointed by the board. The disciplinary counsel shall serve at the pleasure of the board and may be removed by the board. The disciplinary counsel shall report to the board upon appointment. The disciplinary counsel may employ additional attorneys or staff for administrative support, subject to the approval of the board. Compensation for the disciplinary counsel and additional personnel is fixed by the board. This section shall not be construed to preclude disciplinary counsel employed by the board of professional responsibility from acting as disciplinary counsel and the staff and physical resources of the board of professional responsibility from being utilized, with the approval of the court, to assist in the performance of the disciplinary counsel's functions effectively and without delay. The board shall compensate the board of professional responsibility for the use of any such staff and physical resources.

(e) The disciplinary counsel has the authority and duty to:

(1) Receive and screen complaints, refer complaints to other agencies when appropriate, conduct preliminary investigations, make recommendations to the investigative panel of the board and, upon authorization, conduct full investigations, notify complainants about the status and disposition of their complaints, make recommendations to the investigative panel on the disposition of complaints after full investigation, file formal charges subject to approval of the investigative panel when directed to do so by the investigative panel, and prosecute formal charges;

(2) Maintain permanent records of the operations of the disciplinary counsel's office, including receipt of complaints, screening, investigation, and filing of formal charges in judicial discipline and incapacity matters;

(3) Draft decisions, orders, reports, and other documents on behalf of the hearing and investigative panels if directed by the board;

(4) Compile statistics to aid in the administration of the system, including, but not limited to, a log of all complaints received, investigative files, and statistical summaries of docket processing and case dispositions, consistent with § 17-5-202;



(5) Seek investigative assistance from the Tennessee bureau of investigation, or from any district attorney general and, in appropriate cases, employ private investigators or experts, as necessary, to investigate and process matters before the board. Such action may only be taken in concurrence with the applicable investigative panel; and

(6) Perform other duties at the direction of a majority of the board.

(f)(1) The board has the power to impose any, or any combination, of the following:

(A) Suspension without impairment of compensation for such period as the board determines;

(B) Imposition of limitations and conditions on the performance of judicial duties, including the issuance of a cease and desist order;

(C) Private reprimand by the investigative panel. A private reprimand, whether imposed by the board or by an investigative panel, may be used in subsequent proceedings as evidence of prior misconduct solely upon the issue of the sanctions to be imposed;

(D) Entry into a deferred discipline agreement;

(E) Public reprimand; and

(F) Entry of judgment recommending removal of the judge from office.

(2) Disciplinary counsel fees and costs related to the hearing by a hearing panel shall not be taxed against the judge unless the sanction imposed requests the judge's removal from office.

(g) For purposes of this part, the following definitions apply:

(1) "Deferred discipline agreement" means a response to misconduct that is minor and can be addressed through treatment, training, or a rehabilitation program under which the judge agrees with the recommendation of the investigative panel of the board to undergo evaluation or treatment, or both; participate in educational programs; or take any other corrective action. Any other disciplinary sanction arising from the same conduct is suspended during the term of a deferred discipline agreement, and no further sanction may be imposed upon the successful completion of the deferred disciplinary agreement by the judge. The disciplinary counsel may proceed with other appropriate action upon a judge's failure to comply with the disciplinary agreement;

(2) "Private reprimand" means a form of non-public discipline imposed by a letter that details the finding of minor judicial misconduct and enumerates the reasons that such conduct is improper or brings discredit upon the judiciary or the administration of justice; and

(3) "Public reprimand" means a private reprimand that is released to the public.

(h) A sanction imposed by the board does not violate the prohibition of article VI, § 7 of the Tennessee Constitution.

(i) The board or the investigatory panel shall consider the following criteria in determining the sanction or combination of sanctions appropriate for the level of culpability involved in the judge's misconduct:

(1) Whether the misconduct is an isolated instance or evidences a pattern of conduct;

(2) The nature, extent, and frequency of occurrence of the acts of misconduct;

(3) Whether the misconduct occurred in or out of the courtroom;

(4) Whether the misconduct occurred while the judge was acting in an official capacity;

(5) Whether the judge has acknowledged or recognized the occurrence, nature, and impropriety of the acts;

(6) Whether the judge has made an effort to change or modify the conduct;

(7) The level of sanction, if any, previously rendered against other judges for the same conduct;

(8) Whether there have been prior complaints about the judge, except where prior complaints have been found to be frivolous, unfounded, or without jurisdiction pursuant to § 17-5-304;

(9) The effect of the misconduct upon the integrity of, and respect for, the judiciary;

(10) The extent to which the judge exploited the judicial position for personal gain or satisfaction; and

(11) The sanction or sanctions imposed against other judges for the same or similar misconduct under the same or similar circumstances.

(j)(1) The board may consider the following offenses in determining the sanction or combination of sanctions appropriate for the level of culpability involved in the judge's conduct:

(A) Willful misconduct relating to the official duties of the office;

(B) Willful or persistent failure to perform the duties of the office;

(C) A violation of the code of judicial conduct as set out in Rule 10 of the Rules of the Tennessee Supreme Court;

(D) A violation of the Tennessee Rules of Professional Conduct as set out in Rule 8 of the Rules of the Tennessee Supreme Court, as is applicable to judges;

(E) A persistent pattern of intemperate, irresponsible, or injudicious conduct;

(F) A persistent pattern of discourtesy to litigants, witnesses, jurors, court personnel, or lawyers;

(G) A persistent pattern of delay in disposing of pending litigation; and

(H) Any other conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice.

(2) The legal analysis, findings of fact, and conclusions of law of a written opinion or order by a judge are not grounds for sanction under this subsection (j); provided, that the personal views of a judge contained within a written opinion or order by a judge are not protected by this subdivision (j)(2).

17-5-302.

(a) The board is authorized, on its own motion, or pursuant to the complaint of a person having reason to believe a judge is disabled, to investigate and take appropriate action, including recommendation of removal from office, in any case wherein an active judge is suffering from any disability, physical or mental, that is or is likely to become permanent and that would substantially interfere with the prompt, orderly, and efficient performance of the judge's duties.

(b) All complaints made under this section are confidential and privileged.

(c) If the board recommends removal from office under this section, the aggrieved judge may appeal to the supreme court as provided in § 17-5-309.

17-5-303.

(a) The disciplinary counsel shall evaluate all information coming to the disciplinary counsel's attention by complaint, upon the request of any member of the board, or from any other credible source that alleges judicial misconduct or incapacity within fourteen (14) days of the date of a written complaint being filed, a request being submitted, or the receipt of information from a credible source alleging judicial misconduct or incapacity.

(b) In instances in which a complaint is filed, the complaint must be submitted in writing, must contain the name of the complainant, must be signed by the complainant, and must allege specific facts directly relating to the alleged misconduct or incapacity of the judge in question. The disciplinary counsel shall review all complaints and if, in the judgment of the disciplinary counsel, the complaint establishes probable cause that the conduct complained of occurred and violates § 17-5-301(j), the disciplinary counsel shall conduct a preliminary investigation, subject to review by the investigative panel pursuant to subdivision (c)(3). The preliminary investigation must be completed within sixty (60) days of the receipt of the complaint, unless the chair authorizes additional time for the completion of the investigation. If the disciplinary counsel believes the complaint fails to establish probable cause that either the conduct occurred or the conduct constituted a violation of § 17-5-301(j), the disciplinary counsel shall recommend dismissal of the complaint or, if appropriate, refer the matter to another agency. The recommendation for dismissal is subject to review by the investigative panel pursuant to subdivision (c)(3).

(c)(1) The disciplinary counsel may conduct interviews and examine evidence to determine whether the specific facts alleged are true and, if so, whether the facts establish probable cause that a violation of § 17-5-301(j) has occurred; however, the disciplinary counsel shall not issue a subpoena to obtain testimony or evidence until the investigative panel authorizes a full investigation pursuant to subdivision (c)(3).

(2) If the disciplinary counsel believes there is evidence supporting the allegations against a judge, the disciplinary counsel shall recommend to the investigative panel assigned to the case that the panel authorize a full investigation. The disciplinary counsel may also recommend a full investigation when the disciplinary counsel believes there is evidence that would establish probable cause that a violation of § 17-5-301(j) has occurred and such evidence could be obtained by subpoena or further investigation. In all other cases, the disciplinary counsel must recommend that the matter be dismissed. The disciplinary counsel shall make the recommendation to the investigative panel within fourteen (14) days of the disciplinary counsel's completion of the preliminary investigation.

(3) The investigative panel shall review the disciplinary counsel's recommendations and either dismiss the complaint or authorize a full investigation within fourteen (14) days of receipt of the

disciplinary counsel's recommendation. The disciplinary counsel has no authority to dismiss a complaint without the review of and approval by the investigative panel.

(d)(1) Within fourteen (14) days after the investigative panel authorizes a full investigation, the disciplinary counsel shall give the following notice to the judge by certified mail:

(A) A specific statement of the allegations being investigated and the canons or rules allegedly violated, with the provision that the investigation can be expanded, if appropriate;

(B) The judge's duty to respond;

(C) The judge's opportunity to meet with the disciplinary counsel; and

(D) The name of the complainant, unless the investigative panel determines that there is good cause to withhold such information.

(2) The investigative panel may defer the giving of notice; however, notice must be given pursuant to this section before making a determination other than dismissal of the complaint.

(3) The disciplinary counsel shall request the judge to file a written response within fourteen (14) days after service of the notice.

(e)(1) The disciplinary counsel shall complete its investigation within thirty-five (35) days of being authorized by the investigative panel. The disciplinary counsel shall notify the investigative panel of disciplinary counsel's recommendation within seven (7) days of completion of the disciplinary counsel's investigation. The disciplinary counsel may recommend to the investigative panel any, or any combination, of the following:

(A) Dismissal;

(B) Private reprimand, deferred discipline agreement, public reprimand, or any other sanction authorized under § 17-5-301(f)(1);

(C) The filing of formal charges;

(D) Referral to an appropriate agency; or

(E) A stay of the thirty-five-day period for completing the investigation as prescribed in this subdivision (e)(1).

(2) The investigative panel shall act on the disciplinary counsel's recommendation within ten (10) days of its receipt. The investigative panel may adopt, reject, or modify the recommendation of the disciplinary counsel. If the investigative panel finds a violation for which the imposition of a sanction is not warranted, it may dismiss the complaint. If the investigative panel finds that there is reasonable cause to believe the judge committed a judicial offense:

(A) It may direct the disciplinary counsel to file formal charges;

(B)(i) It may propose any, or any combination, of the following to the judge:

(a) Private reprimand;

(b) Deferred discipline agreement;

(c) Public reprimand; or

(d) Any other sanction authorized under § 17-5-301(f)(1); and

(ii) If the judge consents, the investigative panel shall impose the sanction or implement the deferred sanction agreement; or

(C) If the judge does not consent to the proposed sanction or the deferred discipline agreement, the investigative panel may direct the disciplinary counsel to either file formal charges or dismiss the complaint.

(f) If the investigative panel finds there is reasonable cause to believe the judge committed a judicial offense, and the investigative panel directs the disciplinary counsel to file a formal charge, then upon the filing of the formal charge, all records, actions, and proceedings of the board shall be subject to § 10-7-503 and title 8, chapter 44, except that the board may deliberate in private.

(g) Upon the filing of an indictment, presentment, or information charging a judge with a felony under the law of any state or under federal law, the board may immediately place the judge on interim suspension.

17-5-304.

If it is determined that the charges against a judge are frivolous or unfounded, or beyond the permissible scope of the board's inquiry, the matter will be closed and all documents, records, and papers pertaining to the charges must be destroyed and the board's docket must recite the investigation and dismissal of a groundless complaint.

17-5-305.

Members of the board, the disciplinary counsel, and their staff are immune from civil suit for all conduct in the course of their official duties, except in cases of gross negligence or willful misconduct.

17-5-306.

(a) When, in the preliminary judgment of the investigative panel, there is probable cause to believe the judge under investigation is guilty of one (1) or more of the offenses under § 17-5-301(j), or is suffering from a disability as set forth in § 17-5-302, it is the duty of disciplinary counsel to give the judge under investigation written notice of the details of the formal charges.

(b) The formal charges must give fair and adequate notice of the nature of the alleged misconduct or incapacity. The disciplinary counsel shall file the formal charges with the board. The disciplinary counsel shall cause a copy of the formal charges to be served on the judge or the judge's counsel by certified mail and shall file proof of service with the board.

(c) The judge has fourteen (14) days from the date of receipt of written notice of the formal charge to file an answer with the board and serve a copy on the disciplinary counsel.

(d) A judge who raises a defense based on a mental or physical condition waives any medical privilege.

(e) If the judge fails to answer the formal charges, then the failure to answer constitutes an admission of the factual allegations.

(f) If the judge fails to appear when specifically ordered to do so by the hearing panel or the board, the judge is deemed to have admitted the factual allegations that were to be the subject of the appearance and to have conceded the merits of any motion or recommendation to be considered at the appearance. Absent good cause, the hearing panel or board shall not continue or delay proceedings because of the judge's failure to appear.

(g)(1) The judge may agree with the disciplinary counsel that the judge shall admit to any or all of the formal charges in exchange for a stated sanction at any time after the filing of formal charges and before final disposition. The agreement must be submitted to the hearing panel assigned to the case, which shall either:

(A) Reject the agreement; or

(B) Approve the agreement and enter the order to sanction the judge.

(2) If the stated sanction is rejected by the hearing panel, the agreement must be withdrawn and cannot be used against the judge in any proceedings.

(3) A judge who consents to a stated sanction shall sign an affidavit stating that:

(A) The judge consents to the sanction;

(B) The consent is freely and voluntarily rendered;

(C) There is a pending proceeding involving allegations of misconduct, which must be specifically set forth in the affidavit; and

(D) The facts set forth in the affidavit are true.

(4) The affidavit must be filed with the board upon its approval by the hearing panel. The affidavit remains confidential until it is filed with the board. The final order of sanction must be based on the formal charges and the conditional admission.

17-5-307.

(a) The matter must be set for hearing within thirty (30) days from the date the answer is filed. The hearing is a full evidentiary hearing at which the judge is entitled to due process, including the right to be represented by counsel, the right of compulsory process to secure the attendance of witnesses, the right of confrontation and of cross-examination of witnesses, and the right to a speedy and public trial. Upon demand of the judge, or upon a finding by the board that the public interest would be served, the trial must be conducted in the county of the judge's residence. A complete transcript of the trial must be prepared by a court reporter.

(b) The hearing panel shall conduct the hearing. Members of the investigative panel for the particular cause shall not participate in the hearing or the deliberations of the cause.

(c) A majority of the hearing panel constitutes a quorum, and a quorum of the hearing panel is required to hold a hearing. The hearing panel shall decide a matter only upon the concurrence of a majority of all members of the panel hearing the matter. The decision of the hearing panel is the decision of the board.

(d) Charges of misconduct must be established by clear and convincing evidence.

17-5-308.

(a) The board, acting through the hearing panel, may dismiss the charges or impose any sanction authorized in § 17-5-301(f)(1) at the conclusion of the hearing.

(b) The board shall issue a formal finding of fact and opinion within thirty (30) days of the conclusion of the hearing regardless of the sanction imposed. The hearing panel may make a written request to the chair of the



board for an extension of time within which to file its findings and judgment. If the hearing panel does not submit its findings and judgment within thirty (30) days, the disciplinary counsel shall report the failure to submit such findings and judgment to the board, which may take any action it deems necessary to secure the submission of the information. The failure of the hearing panel to meet the deadline is not grounds for dismissal of the formal charges.

(c) If the board recommends the removal of a judge from office and by reason of resignation, death, or retirement, the board determines that its recommendation is moot, its formal opinion shall so state. For purposes of this subsection (c), the board's removal recommendation shall be considered moot only if the board determines there is no further punitive action the general assembly could take against the judge.

17-5-309.

(a) The aggrieved judge may appeal to the supreme court, as a matter of right, within fourteen (14) days from the date of entry of the judgment of the board. The record on appeal must conform to the requirements of Rule 24 of the Tennessee Rules of Appellate Procedure.

(b)(1) The review in the supreme court is de novo on the record made before the board. There is no presumption of correctness of the judgment or the findings of the board.

(2) The supreme court shall convene within seven (7) days after all briefs are filed to hear oral arguments and shall file a written opinion within fourteen (14) days thereafter.

17-5-310.

(a) If the supreme court affirms the action of the board as provided in § 17-5-308, the judgment of the supreme court is final. If the supreme court affirms the action of the board in recommending removal of the judge in accordance with § 17-5-302 or §§ 17-5-308 and 17-5-301(f)(1)(F), the recommendation for removal must be transmitted to the general assembly for a final determination. However, if the supreme court affirms the board's action recommending the removal of a judge and its determination that the recommendation is moot as provided in § 17-5-308(c), the matter may not be transmitted to the general assembly for a final determination but is final upon the supreme court's action.

(b) The clerk of the supreme court shall send written notice of the supreme court's action to affirm the recommendation for removal to the speaker of the senate and speaker of the house of representatives. The clerk of the supreme court shall certify the entire record, including the briefs filed in the supreme court and the opinion of that court, to the speaker of the senate and the speaker of the house of representatives within five (5) days of the clerk's receipt of such record.

(c) The procedure for the removal of a judge provided in accordance with this chapter must not be construed as limiting or altering the power of impeachment, as provided in the Tennessee Constitution, article 5 or the power of removal as provided in the Tennessee Constitution, article VI, § 6.

17-5-311.

If a conflict arises between the timeframe provided for in this chapter and the timeframe set out in the rules of practice and procedure, the rules of practice and procedure shall control.

SECTION 2. For the purposes of vacating and reconstituting the board and appointing a new disciplinary counsel, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2019, the public welfare requiring it.

/s/ Senator Mike Bell  
/s/ Senator John Stevens  
/s/ Senator Todd Gardenhire

/s/ Representative Michael Curcio  
/s/ Representative William Lamberth  
/s/ Representative Bill Beck

Senator Bell moved that the Conference Committee Report on **House Bill No. 513/Senate Bill No. 452** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes ..... 33  
Noes ..... 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

#### MESSAGE FROM THE HOUSE

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 509. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

#### REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 509/SENATE BILL NO. 209

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 509/SENATE BILL NO. 209**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 509 (Senate Bill No. 209) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-406, is amended by adding the following language as a new subdivision (d)(3) and by redesignating the existing subdivision (d)(3) and the remaining subdivisions accordingly:

(3) The nature and extent of any previous allegations, complaints, or petitions of abuse or dependency and neglect against the parent or person responsible for the care of the child;

SECTION 2. Tennessee Code Annotated, Section 37-1-406(e), is amended by deleting the first sentence and substituting instead the following:

The investigation shall include a visit to the child's home, an interview with and the physical observation of the child, an interview with and the physical observation of any other children in the child's home, and an interview with the parent or parents or other custodian of the child and any other persons in the child's home.

SECTION 3. Tennessee Code Annotated, Section 37-2-403, is amended by adding the following as a new, appropriately designated subsection:

( ) Within twelve (12) months of a child entering state custody, the department shall review the child's case to determine, in the department's discretion, if reunification with family is feasible, and if not, whether to pursue termination of parental rights.

SECTION 4. Tennessee Code Annotated, Section 37-1-102(b)(27), is amended by adding the following as a new, appropriately designated subdivision:

( ) Knowingly or with gross negligence allowing a child under eight (8) years of age to ingest an illegal substance or a controlled substance that results in the child testing positive on a drug screen, except as legally prescribed to the child;

SECTION 5. Tennessee Code Annotated, Section 37-1-123, is amended by deleting the section and substituting instead the following:

Detention shall not be ordered as a disposition under § 37-1-132, and neither a child nor that child's attorney may waive the detention-related prohibitions of that section, including as part of any pre-adjudication agreements.

SECTION 6. Tennessee Code Annotated, Section 37-1-131(a)(3), is amended by deleting the subdivision and substituting instead the following:

Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority. Pursuant to this subdivision (a)(3), the court may order detention for a maximum of forty-eight (48) hours for the delinquent child to be served only on days the school in which the child is enrolled is not in session. The court may order the delinquent child to participate in programming at a nonresidential facility for delinquent children operated under the direction of the court or other local public authority after the period of detention. The court shall report each disposition of detention to the administrative office of the courts;

SECTION 7. Sections 5 and 6 of this act shall take effect July 1, 2019, at 12:01 a.m., the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Ferrell Haile  
/s/ Senator Mike Bell  
/s/ Senator John Stevens

/s/ Representative Mary Littleton  
/s/ Representative William Lamberth  
/s/ Representative John DeBerry

Senator Haile moved that the Conference Committee Report on **House Bill No. 509/Senate Bill No. 209** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

#### MESSAGE FROM THE HOUSE

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1233. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

#### REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1233/SENATE BILL NO. 1235

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1233/SENATE BILL NO. 1235**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1233 (Senate Bill No. 1235) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-7-107, is amended by deleting the section in its entirety and substituting instead the following:

(a) Beginning July 1, 2020, the speaker of the senate and the speaker of the house of representatives shall jointly appoint an executive director of the fiscal review committee. The executive director serves at the pleasure of the speakers; provided, however, in order to remove an executive director after July 1, 2020, both speakers must agree to the removal.

(b) The executive director must be chosen without reference to party affiliation but solely on the basis of fitness to perform the duties of the office. The executive director must be a graduate of an accredited college or university and have five (5) or more years of experience in the field of professional financial management, administrative services management or related professional managerial experience, or governmental experience in relation to the fiscal or budget process. The speaker of the senate and the speaker of the house of representatives will determine the compensation of the executive director.

(c) Personnel shall be employed on recommendation of the executive director with the approval of the fiscal review committee. Personnel must be chosen without reference to party affiliation but solely on the basis of fitness to perform the duties of the office. The compensation of fiscal review personnel will be determined by the speaker of the senate and the speaker of the house of representatives, upon recommendation of the executive director.

(d) The office of legislative administration shall assist the fiscal review committee with personnel, payroll, and other administrative functions.

SECTION 2. Tennessee Code Annotated, Section 3-7-101(b)(1)(A), is amended by deleting the language "fifteen (15)" and substituting instead the language "fourteen (14)".

SECTION 3. Tennessee Code Annotated, Section 3-7-101(b)(1), is amended by deleting subdivision (B) and substituting instead the following:

(B) Seven (7) senators and seven (7) representatives to be elected by the respective houses of the general assembly, with each house to elect an appropriate number of members from each of the two (2) major political parties so that the political make-up of the committee, exclusive of the speakers, shall reflect as nearly

as possible the same ratio of members of such parties as the parties are represented in the respective houses. Notwithstanding subdivision (b)(1)(A), however, no political party shall have less than two (2) elective members from each house of the general assembly.

SECTION 4. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it, and Section 2 and 3 of this act shall take effect January 1, 2021, the public welfare requiring it.

/s/ Senator Todd Gardenhire  
/s/ Senator Ken Yager  
/s/ Senator Jeff Yarbro

/s/ Representative Bill Sanderson  
/s/ Representative Darren Jernigan  
/s/ Representative Ron Travis

Senator Gardenhire moved that the Conference Committee Report on **House Bill No. 1233/Senate Bill No. 1235** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . .	22
Noes . . . . .	8
Present, not voting . . .	1

Senators voting aye were: Bell, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Southerland, Stevens, Swann, White and Yager--22.

Senators voting no were: Akbari, Bowling, Gilmore, Roberts, Robinson, Rose, Watson and Yarbro--8.

Senator present and not voting was: Mr. Speaker McNally--1.

A motion to reconsider was tabled.

#### MOTION

Senator Roberts moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 640**, out of order, which motion prevailed.

#### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution No. 640** by Senator Roberts.  
Memorials, Death -- Sergeant Daniel Scott Baker.

On motion of Senator Roberts, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 640** was adopted by the following vote:

Ayes . . . . .	33
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

### **MOTION**

Senator Jackson moved that Rule 19 and Rule 37 be suspended for the purpose of making and considering Calendar No. 2 consisting of the following bills: **Senate Bill Nos. 185, 537, 561, 705, 911 and 1434, which motion prevailed.**

### **CALENDAR NO. 2**

#### **SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 185** -- Education -- As introduced, allows the department of education to post its annual report on its website in lieu of distributing the report to certain persons and entities. Amends TCA Title 49.

#### **HOUSE AMENDMENT NO. 8**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 2, is amended by adding the following language as a new section:

(a) A local board of education member that is elected, or appointed to fill a vacancy, under this chapter may be removed from office by the registered voters of the county.

(b)(1) A person who resides within the geographic boundaries of the local board of education district of which a local board of education member is sought to be removed may file a petition with the county election commission that demands the recall of the local board of education member. The petition must be signed by registered voters who reside within the geographic boundaries of the local board of education district of which the local board of education member is sought to be removed equal in number to at least sixty-six percent (66%) of the total vote cast for that member in the last regular election. Each person signing the petition must sign the person's name, provide the date of signing, and provide the signer's place of residence by street and number or by other customary designation.

(2) The petition must contain a general statement of the grounds upon which the removal is sought.

(3) A petition must include a sworn affidavit by the petition circulator stating the number of petition signers, that each petition signature is the genuine signature of the person whose name it purports to be, and that the signatures were made in the presence of the affiant.

(4) Within fifteen (15) days of receipt of the petition, the county election commission shall determine the sufficiency of the petition signatures. The county election commission shall attach a certificate to the petition with the results. If the county election commission determines the petition signatures are:

(A) Sufficient, then, within seven (7) days of such determination, the county election commission shall give notice of the filed petition by publication in a newspaper of general circulation and shall provide the grounds upon which removal of a local board of education member is sought; or

(B) Insufficient, then the person who filed the petition may amend the petition within ten (10) days from the date of the certificate and file the amended petition with the county election commission. Within fifteen (15) days of receipt of an amended petition, the county election commission shall make a sufficiency determination. If the amended petition is still deemed insufficient or if no amended petition is filed, then the county election commission shall attach a certificate to the petition and return the petition to the person who filed the petition. If an amended petition is deemed sufficient, then the county election commission shall provide notice as required by subdivision (b)(4)(A).

(c) A separate petition must be filed for each local board of education member sought to be removed.

(d) A county election commission shall call an election on the question of whether to recall a local board of education member if the county election commission determines that a petition is sufficient in accordance with subdivision (b)(4). The question must only be posed to voters who are represented by the local board of education member sought to be removed. The question on the ballot must ask whether the local board of education member should be recalled, and the voter must be provided the option to vote "for recall" or "against recall." If sixty-six percent (66%) or more of those voting vote "for recall," then the person named shall be declared removed from office and the office must be declared vacant. A vacancy must be filled in accordance with § 49-2-202(e). No election for the purpose of recall shall be held within a period beginning ninety (90) days before and ending ninety (90) days after a regular election.

(e) This section only applies in counties having a population of not less than ninety-eight thousand two hundred (98,200) nor more than ninety-eight thousand three hundred (98,300), according to the 2010 federal census or any subsequent federal census.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.



**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

Senator Jackson moved that the Senate concur in House Amendment No. 8 to **Senate Bill No. 185**, which motion prevailed by the following vote:

Ayes . . . . .	17
Noes . . . . .	9
Present, not voting . . .	3

Senators voting aye were: Briggs, Crowe, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kyle, Massey, Pody, Powers, Reeves, Southerland, Swann and Yager--17.

Senators voting no were: Bell, Bowling, Kelsey, Lundberg, Niceley, Rose, Stevens, Watson and Yarbrow--9.

Senators present and not voting were: Akbari, Robinson and Mr. Speaker McNally--3.

A motion to reconsider was tabled.

**Senate Bill No. 537** -- Taxes, Sales -- As introduced, requires that costs incurred in connection with a border region retail tourism development district are deemed approved if the commissioner of revenue has not made an apportionment of sales tax revenue within 90 days of the end of the fiscal year for payment of the costs; makes other related revisions to the Border Region Retail Tourism Development District Act. Amends TCA Title 7, Chapter 40.

On motion, Senate Bill No. 537 was made to conform with **House Bill No. 620**.

On motion, House Bill No. 620, on same subject, was substituted for Senate Bill No. 537.

Thereupon, **House Bill No. 620** passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Akbari, Bailey, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

**Senate Bill No. 561** -- Judicial Districts -- As introduced, extends the deadline for the advisory task force reviewing the composition of Tennessee's current judicial districts to publish its proposed statewide judicial redistricting plan from December 1, 2019, to December 15, 2019. Amends TCA Title 8, Chapter 14; Title 8, Chapter 7; Title 16; Title 17; Title 18, Chapter 4 and Title 18, Chapter 5.

Senator Lundberg moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the language "The state is divided into thirty-one (31) judicial districts composed as follows:" and substituting instead the following:

The state is divided into thirty-two (32) judicial districts composed as follows:

SECTION 2. Tennessee Code Annotated, Section 16-2-506, is amended by deleting subdivision (21) and substituting instead the following:

(21)(A)(i) Until September 1, 2022, the twenty-first judicial district consists of the counties of Hickman, Lewis, Perry, and Williamson. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-first judicial district in their respective capacities. In 1986, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512. Effective January 1, 1998, there is created an additional circuit court in the twenty-first judicial district. At the August 1998 general election, the qualified voters of the twenty-first district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

(ii) Effective September 1, 2018, there is created an additional trial court in the twenty-first judicial district. The type of court, type of judge to preside over the court, and part of court shall be designated as provided in § 16-2-512. The governor shall appoint a person to serve as an additional judge or chancellor, and the person so appointed shall serve in that capacity until September 1, 2020, or until the person's successor is elected and qualified. At the August 2020 general election, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor to serve until September 1, 2022, at which time the additional trial court shall be transferred to the newly created thirty-second judicial district and presided over by a trial court judge elected by voters of the thirty-second judicial district at the August 2022 general election;

(iii) It is the intent of the general assembly by adding an additional trial court in the twenty-first judicial district that the interests of public access to the courts and economy of judicial travel are best served by the presiding judge designating the new trial court created by subdivision (21)(A)(ii) to serve Hickman, Lewis, and Perry counties prior to being transferred to the thirty-second judicial district. Unless otherwise designated by the presiding judge to effectuate the duties enumerated in § 16-2-509(b), the remaining judges shall serve Williamson County;

(B)(i) Effective September 1, 2022, the twenty-first judicial district consists of the county of Williamson. Except as provided in subdivision (21)(A)(iii), the incumbent trial court judges and the district attorney general currently residing in the county shall continue to serve the

twenty-first judicial district in their respective capacities until September 1, 2022. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of Williamson county shall elect four (4) trial court judges to fill the positions created by subdivision (21)(A)(i) for a full eight-year term;

(ii) Effective September 1, 2022, the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district;

(C)(i) Except as provided in subdivision (21)(C)(ii), the district attorney general of the twenty-first judicial district is entitled to seven (7) assistant district attorney general positions, one (1) criminal investigator position, and one (1) additional assistant district attorney general position; provided, that the funding for such additional assistant district attorney general position is provided exclusively by the municipal and county governments that comprise the twenty-first judicial district;

(ii) Effective September 1, 2022, the district attorney general of the twenty-first judicial district is entitled to four (4) assistant district attorney general positions, one (1) criminal investigator position, and one (1) additional assistant district attorney general position; provided, that the funding for such additional assistant district attorney general position is provided exclusively by the municipal and county governments that comprise the twenty-first judicial district;

SECTION 3. Tennessee Code Annotated, Section 16-2-506, is amended by adding the following as a new subdivision:

(32)(A) Effective September 1, 2022, the thirty-second judicial district consists of the counties of Hickman, Lewis, and Perry. The incumbent trial court judge elected pursuant to subdivision (21)(A)(ii) shall continue to serve the twenty-first judicial district until September 1, 2022, at which time the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district and presided over by a trial court judge to be elected by voters of the thirty-second judicial district at the August 2022 general election. Every eight (8) years thereafter, the qualified voters of the thirty-second judicial district shall elect a judge or chancellor for a full eight-year term;

(B)(i) Effective September 1, 2022, there is created the position of district attorney general for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district attorney general for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district attorneys general;

(ii) The district attorney general of the thirty-second judicial district is entitled to three (3) assistant district attorney general positions, which shall be transferred from the twenty-first judicial district on September 1, 2022. Additionally, the district attorney general is entitled to two (2) victim-witness coordinator positions and one (1) criminal investigator position. The district attorney general may employ additional assistant district attorneys, victim-witness coordinators, or criminal investigators; provided, that the funding for such additional positions is provided exclusively by the municipal and county governments that comprise the thirty-second judicial district;

(iii) On September 1, 2022, the office space and all state-owned furniture, equipment, supplies, books, and other such office property located in the Centerville or Hohenwald offices of the district attorney general of the twenty-first district and currently being used by the district attorney general of the twenty-first judicial district, or by one (1) of the district attorney general's assistants or investigators, shall be transferred for the use of the district attorney of the thirty-second judicial district. On and after such date, all such office space and other office property located in the Centerville and Hohenwald offices shall become the space for and property of the office of district attorney general for the thirty-second judicial district. Nothing in this subdivision (32)(B)(ii) prohibits the district attorney general from also establishing another office in the thirty-second judicial district;

(iv) By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district attorney general for the thirty-second judicial district;

SECTION 4. Tennessee Code Annotated, Section 8-14-102(b)(1), is amended by adding the following new subdivision (C):

(i) Effective September 1, 2022, there is created the position of district public defender for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district public defender for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district public defenders.

(ii) The district public defender of the thirty-second judicial district is entitled to three (3) assistant public defender positions, which shall be transferred from the twenty-first judicial district on September 1, 2022, and one (1) district investigator position. The district public defender may employ additional assistant public defenders or district investigators; provided, that the funding for such additional positions is provided exclusively by the municipal and county governments that comprise the thirty-second judicial district;

(iii) On September 1, 2022, the district public defender is entitled to purchase such office space and other office property necessary to establish the office of the district public defender for the thirty-second judicial district. Nothing contained herein shall be construed as prohibiting such district public defender from also establishing an additional office in the thirty-second judicial district. By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district public defender for the thirty-second judicial district.

#### SECTION 5.

(a) This act shall not be construed to limit, terminate, or otherwise affect the term or future terms of office of any circuit court clerk, criminal court clerk, or clerk and master, subject to the residence requirement found in § 18-1-102. All such incumbents shall continue in office until the expiration of their respective terms of office and shall be eligible for reelection or reappointment. Nothing in this act shall be construed to require, permit or authorize the consolidation of the offices of clerk and master, circuit court clerk, or criminal court clerk or to place any clerk in a position of dominance over any other clerk.

(b) A clerk of court for the newly created thirty-second judicial district shall be elected at the regular August election in 2022, as provided in § 2-3-202, and shall serve a full four-year term, as provided in § 18-4-101, beginning September 1, 2022.

#### SECTION 6.

(a) All process issued after September 1, 2022, shall be returnable at the times and places fixed by local court rules promulgated in accordance with this act. All bonds and undertakings executed after September 1, 2022, shall be governed by local court rules, insofar as to appearance dates and other conditions relating to time and place.

(b) All cases, both civil and criminal except those that have previously been heard and taken under advisement, pending in any court in the twenty-first judicial district prior to September 1, 2022, shall as of that date be heard and determined in the appropriate court by the appropriate judge.

(c) Notwithstanding Tennessee Code Annotated, Title 16, Chapter 2, to the contrary, nothing in this act shall be construed to repeal, amend, or affect in any manner any jurisdiction granted to any local court by any public or private law.

SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 561**, as amended, passed its third and final consideration by the following vote:

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Ayes . . . . . 25  
Noes . . . . . 6  
Present, not voting . . . 1

Senators voting aye were: Bailey, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Massey, Pody, Powers, Reeves, Roberts, Rose, Stevens, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--25.

Senators voting no were: Akbari, Bell, Lundberg, Niceley, Robinson and Swann--6.

Senator present and not voting was: Gilmore--1.

A motion to reconsider was tabled.

**Senate Bill No. 705** -- Handgun Permits -- As introduced, creates a concealed handgun carry permit, which allows a person to carry a concealed handgun; redesignates the existing handgun carry permit as an enhanced handgun carry permit. Amends TCA Title 10; Title 33; Title 38 and Title 39.

On motion, Senate Bill No. 705 was made to conform with **House Bill No. 1264**.

On motion, House Bill No. 1264, on same subject, was substituted for Senate Bill No. 705.

Senator White moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

On motion of Senator Watson, Amendment No. 3 was withdrawn.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Senator Bell moved for the previous question on **House Bill No. 1264**, which motion prevailed.

Thereupon, **House Bill No. 1264** passed its third and final consideration by the following vote:

Ayes . . . . . 18  
Noes . . . . . 11  
Present, not voting . . . 2

Senators voting aye were: Bailey, Bell, Crowe, Gardenhire, Gresham, Hensley, Johnson, Kelsey, Lundberg, Powers, Reeves, Rose, Southerland, Stevens, Swann, Watson, White and Yager--18.

Senators voting no were: Akbari, Bowling, Dickerson, Gilmore, Jackson, Kyle, Massey, Niceley, Pody, Robinson and Yarbrow--11.

Senators present and not voting were: Roberts and Mr. Speaker McNally--2.

A motion to reconsider was tabled.

**Senate Bill No. 911** -- Criminal Offenses -- As introduced, enhances the penalty for destruction or alteration of governmental records from a Class A misdemeanor to a Class E felony. Amends TCA Title 39.

On motion, Senate Bill No. 911 was made to conform with **House Bill No. 502**.

On motion, House Bill No. 502, on same subject, was substituted for Senate Bill No. 911.

**House Bill No. 502** passed its third and final consideration by the following vote:

Ayes . . . . .	24
Noes . . . . .	4
Present, not voting . . .	1

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Hensley, Jackson, Johnson, Kyle, Lundberg, Niceley, Pody, Powers, Reeves, Rose, Southerland, Stevens, Swann, Watson, White and Yager--24.

Senators voting no were: Akbari, Kelsey, Robinson and Yarbrow--4.

Senator present and not voting was: Mr. Speaker McNally--1.

A motion to reconsider was tabled.

**Senate Bill No. 1434** -- Business and Commerce -- As introduced, deletes provision that required the office of small business advocate to report the status of the office's web page project no later than February 15, 2013. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 12; Title 47; Title 48; Title 61 and Title 67.

On motion, Senate Bill No. 1434 was made to conform with **House Bill No. 524**.

On motion, House Bill No. 524, on same subject, was substituted for Senate Bill No. 1434.

On motion of Senator Bailey, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by deleting the language "thirty-year period established in Section 5(d)" from Section 4(4) and substituting instead the language "fifteen-year period established in Section 5(d)".

AND FURTHER AMEND by deleting the language "thirty-year time limitation established in subsection (d)" from Section 5(c) and substituting instead the language "fifteen-year time limitation established in subsection (d)".

AND FURTHER AMEND by deleting Section 5(d) and substituting instead the following:

(d) Additional development or new phases of a project within a certified district shall not be initiated after the expiration of ten (10) years following certification of the district. The certified district must be dissolved following the expiration of fifteen (15) years, or upon the date on which the cost of the project has been fully paid, whichever occurs first. The fifteen-year period in this subsection (d) runs concurrently with the time limitation established in Section 7 of this act.

AND FURTHER AMEND by deleting Section 7(b) and substituting instead the following:

(b) Apportionment and distribution according to subsection (a) must continue for a period of fifteen (15) years, or until the date on which the entire cost of the economic development project, including any principal and interest on indebtedness, including refunding indebtedness of the municipality or industrial development corporation related to the development of the project, are fully paid, whichever occurs first. Following the expiration of this fifteen-year period, or upon the date on which such cost has been fully paid, whichever is sooner, all amounts that would have otherwise been distributed to the municipality or retained in lieu of distribution shall be allocated as provided elsewhere without regard to this chapter.

AND FURTHER AMEND by deleting Section 9 and substituting instead the following:

SECTION 9. Any bonds, notes, refunding bonds, or other indebtedness relative to the cost of an economic development project must not be issued for a term longer than fifteen (15) years, and the municipality or industrial development corporation may pledge all proceeds or taxes it receives pursuant to this chapter to the payment of principal and interest on the bonds, notes, or other indebtedness. The fifteen-year period in this section runs concurrently with the time limitation established in Section 7 of this act.

On motion, Amendment No. 2 was adopted.

Senator Watson moved to amend as follows:

### **AMENDMENT NO. 3**

AMEND by deleting subdivision (10) in Section 4 and substituting instead the following:

(10) "Regional retail tourism development district" or "district" means one (1) or more parcels of real property located within a county having a population of not less than one hundred twenty-two thousand nine hundred (122,900) nor more than one hundred twenty-three thousand (123,000), according to the 2010 federal census or any subsequent census, and which some boundary of the district is no more than one-half (1/2) mile from an existing federally designated interstate exit, is no more than twenty (20) miles from the state border of two (2) neighboring states as measured by straight line, is no larger than a total area of nine hundred fifty (950) acres, and is designated as a regional retail tourism development district by a municipal ordinance and certified by the commissioner.

On motion, Amendment No. 3 was adopted.

Senator Crowe moved that **House Bill No. 524**, as amended, be placed on the afternoon Calendar, which motion prevailed.



**CALENDAR NO. 1**

**Senate Bill No. 1231** -- Lobbying, Lobbyists -- As introduced, reduces the amount of time from 30 to 21 days a lobbyist or an employer of a lobbyist has to notify the Tennessee ethics commission following an in-state event to which invitations were extended to the entire membership of the general assembly and thus not subject to the prohibition on gifts. Amends TCA Title 2 and Title 3.

Senators Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally declared Rule 13 on **Senate Bill No. 1231**.

On motion, Senate Bill No. 1231 was made to conform with **House Bill No. 1232**.

On motion, House Bill No. 1232, on same subject, was substituted for Senate Bill No. 1231.

Senator Dickerson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-10-114, is amended by adding the following as a new subsection:

( ) In addition to the manner in which unexpended balances in the campaign account of a candidate may be allocated under subsection (a), a member of the general assembly may use the funds to:

(1) Pay for lodging expenses or pay for a portion of lodging expenses on the same day the member earns mileage reimbursement and per diem, pursuant to § 3-1-106, if the lodging is necessitated by the normal course of the member's duties and the member is not otherwise eligible for reimbursement for such lodging or the member's reimbursement does not cover the total amount of the lodging expense; and

(2) Reimburse the member for mileage above the mileage for which the member is reimbursed by this state for travel to Nashville, if the additional miles traveled are necessitated by the normal course of the member's duties.

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 10, Part 3, is amended by adding the following as a new section:

Notwithstanding any other law to the contrary, with regard to any candidate for senate, the limits in §§ 2-10-302(b)(1) and 2-10-302(c)(1)(B) must reset every two (2) years in the same manner the house of representatives limit resets; provided, however, that the candidate has a total of four (4) years to accumulate the total amount allowed by having the limit reset every two (2) years. Any candidate running for senate must have the same limits as any candidate in the same race who has accumulated limits under this section.

SECTION 3. Tennessee Code Annotated, Section 3-1-106(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) For each legislative day, which is defined as each day the general assembly, or either house thereof, officially convenes for the transaction of business, or for each day in attendance at any such other meeting as described in subsection (a), each member must be paid an expense allowance:

(A) For meals and incidentals in an amount equal to the allowance granted federal employees for such expenses in the Nashville area; and

(B) For lodging in an amount equal to:

(i) The annual average hotel rate for the previous calendar year in the Nashville central business district, as provided by the Nashville Convention and Visitors Corporation or their successor organization; or

(ii) If the rate described in subdivision (b)(1)(B)(i) is unobtainable, the allowance granted federal employees for lodging expenses in the Nashville area.

SECTION 4. Tennessee Code Annotated, Section 3-1-106(b)(3), is amended by deleting the following language:

the member shall be reimbursed an expense allowance for lodging equal to the allowance granted federal employees for lodging expense in the Nashville area.

and substituting instead the following:

the member must be reimbursed an expense allowance for lodging in an amount equal to:

(A) The annual average hotel rate for the previous calendar year in the Nashville central business district, as provided by the Nashville Convention and Visitors Corporation or their successor organization; or

(B) If the rate described in subdivision (b)(3)(A) is unobtainable, the allowance granted federal employees for lodging expenses in the Nashville area.

SECTION 5. Section 1 and Section 2 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 3 and Section 4 of this act shall take effect November 3, 2020, the public welfare requiring it.

On motion, Amendent No. 1 was adopted.

Thereupon, **House Bill No. 1232**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	27
Noes . . . . .	3
Present, not voting . . .	2

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Powers, Roberts, Robinson, Rose, Stevens, Swann, Watson, White, Yager and Mr. Speaker McNally--27.

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Senators voting no were: Hensley, Pody and Yarbro--3.

Senators present and not voting were: Crowe and Southerland--2.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 565. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Reps. Dunn, Carter, Curcio, Beck and Lamberth to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 565.

TAMMY LETZLER  
Chief Clerk

**MOTION**

Senator Gresham moved that **House Bill No. 565**, as amended, be returned to the House, which motion prevailed.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, Senate Bill No. 9. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1.

TAMMY LETZLER  
Chief Clerk

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 9** -- Tobacco, Tobacco Products -- As introduced, authorizes Knox County and Knoxville to prohibit, by local ordinance, smoking on the grounds of any playground owned or operated by the local government. Amends TCA Title 39, Chapter 17.

Senator Briggs moved that the Senate refuse to recede from its action in nonconcurring in House Amendment No. 1 to **Senate Bill No. 9**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
SENATE BILL NO. 9**

The Speaker announced the appointment of a Conference Committee composed of Senators Briggs, Chairperson; Johnson and Yarbro to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 9.

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 353. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Reps. Daniel, Sanderson and Lafferty to confer with a like committee from the Senate in open conference to resolve the differences between the bodies on House Bill No. 353.

TAMMY LETZLER  
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 353**

The Speaker announced the appointment of a Conference Committee composed of Senators Bowling, Chairperson; Reeves and Rose to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 353.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1280. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Reps. Hill (Sul), Sexton (Cumb), Smith, Crawford and Hakeem to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 1280.

TAMMY LETZLER  
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 1280**

The Speaker announced the appointment of a Conference Committee composed of Senators Bailey, Chairperson; Bell, Robinson, Watson and Yarbrow to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1280.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1511. The House nonconcurred in Senate Amendment No. 2.

TAMMY LETZLER  
Chief Clerk

HOUSE BILL ON SENATE AMENDMENT

**House Bill No. 1511** -- Lebanon -- Subject to local approval, increases from 2 percent to 5 percent the privilege tax that may be levied on the occupancy by a transient of a hotel in Lebanon, subject to a two-thirds vote of the Lebanon city council approving the increase. Amends Chapter 208 of the Private Acts of 1980.

Senator Pody moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 1511**, which motion prevailed.

MESSAGE FROM THE HOUSE

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 197. The House nonconcurred in Senate Amendment No. 1.

TAMMY LETZLER  
Chief Clerk

MOTION

Senator Lundberg moved that **House Bill No. 197** be placed behind Calendar No. 3 for today, which motion prevailed.

MOTION

Senator Johnson moved that Rule 19 and Rule 37 be suspended for the purpose of making and considering Calendar No. 3 consisting of the following bill: **Senate Bill No. 1550**, which motion prevailed.

CALENDAR NO. 3

**Senate Bill No. 1550** -- Scott County -- Subject to local approval, imposes a \$25.00 litigation tax on each case filed in circuit, general sessions, and juvenile courts in the county to fund the Scott County Family Justice Center. Amends Chapter 247 of the Private Acts of 1982.

On motion, Senate Bill No. 1550 was made to conform with **House Bill No. 1542**.

On motion, House Bill No. 1542, on same subject, was substituted for Senate Bill No. 1550.

**House Bill No. 1542** passed its third and final consideration by the following vote:

Ayes . . . . .	22
Noes . . . . .	7
Present, not voting . . .	1

Senators voting aye were: Akbari, Bowling, Briggs, Crowe, Gilmore, Haile, Jackson, Johnson, Kyle, Massey, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Swann, Watson, White, Yager and Mr. Speaker McNally--22.

Senators voting no were: Bell, Gardenhire, Gresham, Hensley, Kelsey, Lundberg and Stevens--7.

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Senator present and not voting was: Yarbro--1.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 197** -- Probation and Parole -- As introduced, prevents an inmate convicted of a Class A, B, or C felony from using sentence reduction credits until the minimum release eligibility date applicable to the inmate is reached; establishes presumption that inmate convicted of Class E or Class D nonviolent felony is to be paroled upon reaching release eligibility date unless good cause is shown as to why inmate should not be released. Amends TCA Title 40 and Title 41.

Senator Lundberg moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 197**, which motion prevailed.

**RECESS**

Senator Johnson moved the Senate stand in recess until 2:30 p.m., which motion prevailed.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker McNally.

**ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**NOTICE**

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1511. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Reps. Boyd, Shaw and Howell to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 1511.

TAMMY LETZLER  
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 1511**

The Speaker announced the appointment of a Conference Committee composed of Senators Pody, Chairperson; Jackson and Rose to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1511.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1232. The House nonconcurred in Senate Amendment No. 1.

TAMMY LETZLER  
Chief Clerk

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 1232** -- Lobbying, Lobbyists -- As introduced, reduces the amount of time from 30 to 21 days a lobbyist or an employer of a lobbyist has to notify the Tennessee ethics commission following an in-state event to which invitations were extended to the entire membership of the general assembly and thus not subject to the prohibition on gifts. Amends TCA Title 2 and Title 3.

Senator Watson moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 1232**, which motion prevailed.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 9/HOUSE BILL NO. 9**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 9/HOUSE BILL NO. 9**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 9 (Senate Bill No. 9) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1551, is amended by adding the following as a new subsection:

(e)(1) Notwithstanding subsection (a) or any other provision of this title, a local government may prohibit smoking on the grounds of a playground by adopting a resolution or ordinance approved by a two-thirds (2/3) vote of the legislative body of the local government.

(2) As used in this subsection (e):

(A) "Playground" means an indoor or outdoor facility that is intended for recreation of children and owned by the local government; and

(B) "Smoking" means the burning of a tobacco product, hemp product, or any other drug or substance. "Smoking" does not include the use of a vapor product.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.

/s/ Senator Jack Johnson  
/s/ Senator Richard Briggs  
/s/ Senator Jeff Yarbrow

/s/ Representative Rick Staples  
/s/ Representative Bob Ramsey  
/s/ Representative Jerome Moon  
/s/ Representative Sam Whitson

Senator Briggs moved that the Conference Committee Report on **Senate Bill No. 9/House Bill No. 9** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 27  
Noes . . . . . 3

Senators voting aye were: Akbari, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kyle, Lundberg, Massey, Pody, Powers, Reeves, Roberts, Robinson, Rose, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--27.

Senators voting no were: Bell, Kelsey and Niceley--3.

A motion to reconsider was tabled.

#### **PRESENTATION**

The Greenhorn Caucus performed a skit for the Senate.

#### **NOTICES**

#### **MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 353. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

#### **REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 353/SENATE BILL NO. 571**

The report was received and filed with the Clerk.

#### **REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 353/SENATE BILL NO. 571**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 353 (Senate Bill No. 571) has met and recommends that all amendments be deleted:



The Committee further recommends that the following amendment (#9330) be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 11, Part 1, is amended by adding the following as a new section:

(a) Persons who receive certified comprehensive career and technical training in high school and post high school pursuant to § 49-11-104 are eligible to receive equivalent credit towards the receipt of professional and occupational licenses relating to the training received. This section applies to all professions and occupations regulated under title 62.

(b)(1) The high school and post high school training received under this chapter must be consistent with the requirements for licensure by licensing authorities in order for persons to be eligible for equivalent credit under subsection (a).

(2) Any person aggrieved by the decision of a licensing authority concerning eligibility for equivalent credit under this section may appeal to the commissioner of commerce and insurance or the commissioner's designee for a determination of whether the training meets the requirements for licensure. An appeal under this subdivision (b)(2) must be conducted in the same manner as is provided in § 4-5-322, for a contested case hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The commissioner of commerce and insurance, in collaboration with the state board of education and the various departments charged with supervision of licensing authorities shall promulgate rules to effectuate the purposes of this act. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) Persons who receive certified occupational, career, or technical training in schools or correctional institutions pursuant to this chapter are eligible to receive equivalent credit towards the receipt of an occupational license relating to the training received.

(b)(1) The occupational, career, or technical training received pursuant to this chapter must be consistent with the requirements for licensure by licensing authorities in order for persons to be eligible for equivalent credit under subsection (a).

(2) Any person aggrieved by the decision of a licensing authority concerning eligibility for equivalent credit under this section may appeal to the commissioner of commerce and insurance or the commissioner's designee for a determination of whether the training meets the requirements for licensure. An appeal under this subdivision (b)(2) must be conducted in the same manner as is provided in § 4-5-322, for a contested case hearing under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) The commissioner of commerce and insurance, in collaboration with the commissioner of correction and the various departments charged with supervision of licensing authorities shall promulgate rules to effectuate the purposes of this act. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) This section applies to all professions and occupations regulated under title 62.

SECTION 3. For the purpose of promulgating rules, this act shall take effect July 1, 2019, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it.

/s/ Senator Janice Bowling  
/s/ Senator Shane Reeves  
/s/ Senator Paul Rose

/s/ Representative Martin Daniel  
/s/ Representative Jason Zachary  
/s/ Representative Bill Sanderson

Senator Bowling moved that the Conference Committee Report on **House Bill No. 353/Senate Bill No. 571** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

#### MESSAGE FROM THE HOUSE

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1232. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Reps. Hill (Wash), Smith, Holt and Miller to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 1232.

TAMMY LETZLER  
Chief Clerk

#### APPOINTMENT OF SELECT COMMITTEE CONFERENCE COMMITTEE ON HOUSE BILL NO. 1232

The Speaker announced the appointment of a Conference Committee composed of Senators Watson, Chairperson; Johnson, Yager and Yarbrow to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 1232.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 510/HOUSE BILL NO. 419**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 510/HOUSE BILL NO. 419**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 419 (Senate Bill No. 510) has met and recommends that all amendments be deleted:

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following as a new part:

56-7-3501. This part shall be known and may be cited as the "Tennessee Right to Shop Act."

56-7-3502. As used in this part:

(1) "Allowed amount" means the contractually agreed upon payment amount between a carrier and a healthcare entity participating in the carrier's network, excluding any member deductible, co-pay, or other obligation;

(2) "Commissioner" means the commissioner of commerce and insurance;

(3) "Comparable healthcare service" includes, but is not limited to:

(A) Physical and occupational therapy services;

(B) Radiology and imaging services;

(C) Laboratory services; and

(D) Infusion therapy;

(4) "Department" means the department of commerce and insurance;

(5) "Health plan" means health insurance coverage as defined in § 56-7-109;

(6) "Healthcare entity" means:

(A) Any healthcare facility licensed under title 33 or 68; and

(B) Any healthcare provider licensed under title 63 or 68;

(7) "Insurance carrier" or "carrier" means a health insurance entity as defined in § 56-7-109; and

(8) "Shopping and decision support program" means the program established by a carrier pursuant to this part.

56-7-3503.

(a)(1) Beginning upon approval of the next health insurance rate filing on or after January 1, 2021, a carrier offering a health plan in this state shall implement a shopping and decision support program that provides shopping capabilities and decision support services for enrollees in a health plan. Beginning on January 1, 2021, a carrier may provide incentives for enrollees in a health plan who elect to receive a comparable healthcare service from a network provider that is covered by the health plan and that is paid less than the average allowed amount paid by that carrier to network providers for that comparable healthcare service before and after an enrollee's out-of-pocket limit has been met.

(2) Incentives, effective January 1, 2021, may be calculated as a percentage of the difference between the amount actually paid by the carrier for a given comparable healthcare service and the average allowed amount for that service. Incentives may be provided as a cash payment to the enrollee, a credit toward the enrollee's annual in-network deductible and out-of-pocket limit, or a credit or reduction of a premium, a copayment, cost sharing, or a deductible.

(3) The shopping and decision support program may provide each enrollee with at least fifty percent (50%) of the carrier's saved costs for each comparable healthcare service. However, the shopping and decision support program may exclude incentive payments, credits, or reductions for services where the savings to the carrier is fifty dollars (\$50.00) or less.

(4) The average allowed amount must be based on the actual allowed amounts paid to network providers under the enrollee's health plan within a reasonable timeframe, not to exceed one (1) year.

(5) Annually, at enrollment or renewal, a carrier shall provide, at a minimum, notice to enrollees of the right to obtain information described in subdivision (a)(4) and the process for obtaining the information, and a description of how to earn any incentives. A carrier shall provide this notice on the carrier's website and in health plan materials provided to enrollees.

(b) An insurance carrier shall make the shopping and decision support program available as a component of all health plans offered by the carrier in this state.

(c) Prior to offering the shopping and decision support program to any enrollee, a carrier shall file a description of the shopping and decision support program established by the carrier pursuant to this section with the department. The insurance carrier has discretion as to the appropriate format for providing the information required and may customize the format in order to provide the most relevant information necessary to permit the department to determine compliance. The department may review the filing made by the carrier to determine if the carrier's shopping and decision support program complies with this section.

(d)(1) Beginning January 1, 2022, a carrier shall annually file with the department for the most recent calendar year the total number of comparable healthcare service incentive payments made pursuant to this section, the use of comparable healthcare services by category of service for which comparable healthcare service incentive payments were made, the total incentive payments made to enrollees, the average amount of incentive payments made by service for the transactions, and the total number and percentage of a carrier's enrollees that participated in the transactions.

(2) Beginning in 2022 and by April 1 of each year thereafter, the commissioner shall submit an aggregate report for all carriers filing the information required by this subsection (d) to the commerce and labor committee of the senate and the insurance committee of the house of Representatives. The commissioner may set reasonable limits on the annual reporting requirements on carriers to focus on the more popular comparable healthcare services.

56-7-3504.

(a)(1) Except as provided in subdivision (a)(2), beginning upon approval of the next health insurance rate filing on or after January 1, 2020, a carrier offering a health plan in this state shall comply with this section.

(2) On and after December 1, 2020, a carrier offering a health plan in this state shall make available the interactive member portal described in subsection (b), and may make available the toll-free phone number described in subsection (b).

(b)(1) A carrier shall make available an interactive member portal or a toll-free phone number that enables an enrollee to request and obtain from the carrier information on out-of-pocket costs to the enrollee for the comparable healthcare services or on the average payments made by the carrier to network entities or providers for comparable healthcare services, as well as quality data for those providers, to the extent available.

(2) The member portal or toll-free phone number must allow an enrollee seeking information about the cost of a particular healthcare service to estimate out-of-pocket costs applicable to that enrollee and

compare the average allowed amount paid to a network provider for the procedure or service under the enrollee's health plan within a reasonable timeframe not to exceed one (1) year.

(3) The out-of-pocket estimate must provide a good faith estimate based on the information provided by the enrollee or the enrollee's provider of the amount the enrollee will be responsible to pay out-of-pocket for a proposed non-emergency procedure or service that is determined by the carrier to be a medically necessary covered benefit from a carrier's network provider, including any copayment, deductible, coinsurance, or other out-of-pocket amount for any covered benefit, based on the information available to the carrier at the time the request is made, and subject to further medical necessity review by the carrier. A carrier may contract with a third-party vendor to comply with this subsection (b).

(4) A carrier shall provide the information described in this subsection (b) by the carrier's member portal or toll-free phone number even if the enrollee requesting the information has exceeded the enrollee's deductible or out-of-pocket costs according to the enrollee's health plan. Existing transparency mechanisms or programs that estimate out-of-pocket costs for enrollees still within their deductible qualify under this section as long as those mechanisms or programs continue to disclose the estimated average allowed amount even after an enrollee has exceeded the enrollee's deductible as well as any estimated out-of-pocket cost.

(c) Nothing in this section prohibits a carrier from imposing cost-sharing requirements disclosed in the enrollee's policy, contract, or certificate of coverage for unforeseen healthcare services that arise out of the non-emergency procedure or service or for a procedure or service provided to an enrollee that was not included in the original estimate.

(d) A carrier shall notify an enrollee that the provided costs are estimated costs, and that the actual amount the enrollee will be responsible to pay may vary due to unforeseen services that arise out of the proposed non-emergency procedure or service.

56-7-3505.

At the request of a patient, a healthcare provider licensed under title 63 or 68 shall provide a copy of an order for a comparable healthcare service within two (2) business days of the request.

56-7-3506.

The state insurance committee, created by § 8-27-201, shall publish a report no later than January 1, 2020, on examples of shared savings incentive programs that directly incentivize current enrollees and retirees to shop for lower cost care in other states and consider implementation of such a program in this state. The state

insurance committee may implement such a program as part of the next open enrollment period if it is believed to be cost effective. The state insurance committee shall share the report in writing to the government operations committees in both the senate and house of Representatives.

56-7-3507.

The commissioner is authorized to promulgate rules as necessary to implement this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-7-3508.

Except for § 56-7-3506, and notwithstanding § 56-7-1005, this part does not apply to:

(1) Any managed care organization contracting with the state to provide insurance through the TennCare program or the CoverKids program; or

(2) Any plan described in Section 1251 of the federal Patient Protection and Affordable Care Act (42 U.S.C. § 18011) and Section 2301 of the federal Health Care and Education Reconciliation Act.

56-7-3509.

Notwithstanding this part, the total value of incentives offered to any one (1) enrollee must not exceed five hundred ninety-nine dollars (\$599) in any year.

56-7-3510.

(a) The Tennessee advisory commission on intergovernmental relations (TACIR) is directed to perform a study of any cost savings realized by enrollees with health plans, including private health plans and state funded health plans, in states that have adopted legislation or programs that require carriers offering health plans in those states to offer incentive programs to enrollees for shopping for healthcare services at lower costs, commonly referred to as "Right to Shop" legislation or programs. The study shall include, at a minimum, an examination of savings realized by such programs in Maine, New Hampshire, Florida, Arizona, and Kentucky.

(b) All appropriate state departments and agencies shall provide assistance to TACIR.

(c) TACIR shall report its findings to the general assembly no later than December 2020.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it, and shall apply to all health plans entered into or renewed on or after that date.

/s/ Senator Kerry Roberts  
/s/ Senator Raumesh Akbari  
/s/ Senator Paul Bailey

/s/ Representative Robin Smith  
/s/ Representative Martin Daniel  
/s/ Representative Cameron Sexton

Mr. Speaker McNally moved that Conference Committee Report on **Senate Bill No. 510** be moved five places down, which motion prevailed.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 197. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Reps. Hulse, Williams and Parkinson to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 197.

TAMMY LETZLER  
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 197**

The Speaker announced the appointment of a Conference Committee composed of Senators Lundberg, Chairperson Kyle and Stevens to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 197.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return House Bill No. 565, for further consideration.

TAMMY LETZLER  
Chief Clerk

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 565**

The Speaker announced the appointment of a Conference Committee composed of Senators Gresham, Chairperson; Bell and Massey to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 565.



**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1511. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1511/SENATE BILL NO. 1519**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1511/SENATE BILL NO. 1519**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1511 (Senate Bill No. 1519) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment (#9325) be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Chapter 208 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting Section 2 and substituting instead the following:

SECTION 2. Tax authorized. The City of Lebanon, Tennessee, is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. Any increase up to five percent (5%) must be approved by a two-thirds (2/3) vote of the Lebanon City Council. All proceeds received by the city from any increase in the tax levied after the effective date of this act must be used solely to promote tourism and economic development in the city and for no other purpose. The ordinance must set forth the manner of collection and administration of the privilege tax.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Council of the City of Lebanon. Its approval or nonapproval shall be proclaimed by the City Council of the City of Lebanon and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

/s/ Senator Paul Rose  
/s/ Senator Ed Jackson  
/s/ Senator Mark Pody

/s/ Representative Clark Boyd  
/s/ Representative Johnny Shaw  
/s/ Representative Dan Howell

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

Senator Pody moved that the Conference Committee Report on **House Bill No. 1511/Senate Bill No. 1519** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Akbari, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 197. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 197/SENATE BILL NO. 215**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 197/SENATE BILL NO. 215**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 197 (Senate Bill No. 215) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting the effective date section and substituting instead the following:

SECTION 3. Section 1 of this act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to offenses committed on or after that date. All other sections of this act shall take effect July 1, 2019, the public welfare requiring it.

/s/ Senator Jon Lundberg  
/s/ Senator John Stevens  
/s/ Senator Sara Kyle

/s/ Representative Bud Hulse  
/s/ Representative Ryan Williams  
/s/ Representative Antonio Parkinson

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

Senator Lundberg moved that the Conference Committee Report on **House Bill No. 197/Senate Bill No. 215** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--32.

A motion to reconsider was tabled.

**CALENDAR NO. 2**

**FURTHER ACTION ON HOUSE BILL NO. 524, AS AMENDED**

Thereupon, **House Bill No. 524**, as amended, repassed its third and final consideration by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 565. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 565/SENATE BILL NO. 1252**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 565/SENATE BILL NO. 1252**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 565 (Senate Bill No. 1252) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (b) and substituting instead the following:

(b) Notwithstanding § 28-3-104, a civil action for an injury or illness based on child sexual abuse that occurred when the injured person was a minor must be brought:

(1) For child sexual abuse that occurred before July 1, 2019, but was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person; or

(2) For child sexual abuse that occurred on or after July 1, 2019, within the later of:

(A) Fifteen (15) years from the date the person becomes eighteen (18) years of age; or

(B) If the injury or illness was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person.

SECTION 2. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (e) and substituting instead the following:

(e) If an action is brought against someone other than the alleged perpetrator of the child sexual abuse, and if the action is brought more than one (1) year from the date the injured person attains the age of majority, the injured person must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.

SECTION 3. Tennessee Code Annotated, Section 37-1-412, is amended by deleting the section and substituting instead the following:

(a)(1) Any person who knowingly fails to make a report required by § 37-1-403 commits an offense.

(2)(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

(3) Any person who intentionally fails to make a report required by § 37-1-403 commits a Class E felony.

(b)(1) A juvenile court having reasonable cause to believe that a person is guilty of violating this section may have the person brought before the court either by summons or by warrant. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury.

(2) If the defendant pleads guilty to a first offense under subdivision (a)(1) and waives, in writing, indictment, presentment, grand jury investigation, and trial by jury, the juvenile court judge shall sentence the defendant with a fine not to exceed two thousand five hundred dollars (\$2,500).

SECTION 4. Tennessee Code Annotated, Section 37-1-615, is amended by deleting subsection (a) and substituting instead the following:

(a)(1) Any person required to report known or suspected child sexual abuse who knowingly fails to do so, or who knowingly prevents another person from doing so, commits an offense.

(2)(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

(3) Any person required to report known or suspected child sexual abuse who intentionally fails to do so, or who intentionally prevents another person from doing so, commits a Class E felony.

SECTION 5. Tennessee Code Annotated, Section 40-2-101(h)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 6. Tennessee Code Annotated, Section 40-2-101(i)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 7. Tennessee Code Annotated, Section 40-2-101, is amended by deleting subdivision (l)(1) and substituting instead the following:

(1) Notwithstanding subsections (b), (g), (h), and (i) to the contrary, a person may be prosecuted, tried, and punished at any time after the commission of an offense if:

(A) The offense was one (1) of the following:

(i) Aggravated rape, as prohibited by § 39-13-502; or

(ii) Rape, as prohibited by § 39-13-503;

(B) The victim was an adult at the time of the offense;

(C) The victim notifies law enforcement or the office of the district attorney general of the offense within three (3) years of the offense; and

(D) The offense is committed:

(i) On or after July 1, 2014; or

(ii) Prior to July 1, 2014, unless prosecution for the offense is barred because the applicable time limitation set out in this section for prosecution of the offense expired prior to July 1, 2014.

SECTION 8. Tennessee Code Annotated, Section 40-2-101, is further amended by adding the following new subsection:

(o)(1) Notwithstanding subsections (b), (g), (h), (i), (j), (k), or (m), prosecution for the following offenses, when committed against a minor under eighteen (18) years of age shall commence as provided by this subsection (o):

(A) Trafficking for a commercial sex act, as prohibited by § 39-13-309;

(B) Aggravated rape, as prohibited by § 39-13-502;

(C) Rape, as prohibited by § 39-13-503;

(D) Aggravated sexual battery, as prohibited by § 39-13-504;

(E) Sexual battery, as prohibited by § 39-13-505;

(F) Mitigated statutory rape, as prohibited by § 39-13-506;

(G) Statutory rape, as prohibited by § 39-13-506;

(H) Aggravated statutory rape, as prohibited by § 39-13-506(c);

(I) Indecent exposure, as prohibited by § 39-13-511, when the offense is classified as a felony offense;

(J) Patronizing prostitution, as prohibited by § 39-13-514;

(K) Promotion of prostitution, as prohibited by § 39-13-515;

(L) Continuous sexual abuse of a child, as prohibited by § 39-13-518;

(M) Rape of a child, as prohibited by § 39-13-522;

(N) Sexual battery by an authority figure, as prohibited by § 39-13-527;

(O) Solicitation of a minor, as prohibited by § 39-13-528, when the offense is classified as a felony offense;

(P) Soliciting sexual exploitation of a minor - exploitation of a minor by electronic means, as prohibited by § 39-13-529;

(Q) Aggravated rape of a child, as prohibited by § 39-13-531;

(R) Statutory rape by an authority figure, as prohibited by § 39-13-532;

(S) Unlawful photographing, as prohibited by § 39-13-605, when the offense is classified as a felony offense;

(T) Observation without consent, as prohibited by § 39-13-607, when the offense is classified as a felony offense;

(U) Incest, as prohibited by § 39-15-302;

(V) Sexual exploitation of a minor, as prohibited by § 39-17-1003;

(W) Aggravated sexual exploitation of a minor, as prohibited by § 39-17-1004; or

(X) Especially aggravated sexual exploitation of a minor, as prohibited by § 39-17-1005.

(2) A person may be prosecuted, tried, and punished for an offense listed in subdivision (o)(1) at any time after the commission of an offense if:

(A) The victim was under thirteen (13) years of age at the time of the offense; or

(B)(i) The victim was at least thirteen (13) years of age but no more than seventeen (17) years of age at the time of the offense; and

(ii) The victim reported the offense to another person prior to the victim attaining twenty-three (23) years of age.

(3)(A) Except as provided in subdivision (o)(3)(B), a person may be prosecuted, tried, and punished for an offense listed in subdivision (o)(1) at any time after the commission of an offense if:

(i) The victim was at least thirteen (13) years of age but no more than seventeen (17) years of age at the time of the offense; and

(ii) The victim did not meet the reporting requirements of subdivision (o)(3)(B)(ii).

(B) In order to commence prosecution for an offense listed in subdivision (o)(1) under the circumstances described in subdivision (o)(3)(A), at a date that is more than twenty-five (25) years from the date the victim becomes eighteen (18) years of age, the prosecution is required to offer admissible and credible evidence corroborating the allegations or similar acts by the defendant.

(4) This subsection (o) applies to offenses:

(A) Committed on or after July 1, 2019; or

(B) Committed prior to July 1, 2019, unless prosecution for the offense is barred because the applicable time limitation set out in this section for prosecution of the offense expired prior to July 1, 2019.

SECTION 9. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 10. This act shall take effect July 1, 2019, the public welfare requiring it.

/s/ Senator Dolores Gresham  
/s/ Senator Mike Bell  
/s/ Senator Becky Duncan Massey

/s/ Representative Bill Dunn  
/s/ Representative Bill Beck  
/s/ Representative Mike Carter  
/s/ Representative Michael G. Curcio  
/s/ Representative William Lamberth

Senator Gresham moved that the Conference Committee Report on **House Bill No. 565/Senate Bill No. 1252** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes ..... 33  
Noes ..... 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

#### MESSAGE FROM THE HOUSE

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1280. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

#### REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1280/SENATE BILL NO. 1428

The report was received and filed with the Clerk.

#### REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1280/SENATE BILL NO. 1428

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1280 (Senate Bill No. 1428) has met and recommends that all amendments be deleted.



The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The governor, acting through the commissioner of finance and administration, is directed to submit to the federal centers for medicare and medicaid services a waiver amendment to the existing TennCare II waiver, or to submit a new waiver, in order to provide medical assistance to the TennCare II waiver population by means of a block grant in accordance with this section no later than one hundred eighty (180) days after the effective date of this act. The block grant authorized by this section may convert the federal share of all medical assistance funding for this state into an allotment that is tailored to meet the needs of this state and that:

(1) When determining the base amount for the block grant, factors the current inaccurate reflection of the state's labor costs in the state's Medicare Wage Index and the index's negative impact on healthcare delivery in this state;

(2) Is indexed for population growth;

(3) Is indexed for inflation and other costs;

(4) Excludes from the block grant financing amount any expenses that are not included in the state's existing 1115 demonstration waiver;

(5) Excludes administrative costs from the block grant financing amount and permits the state to continue to draw federal matching funds for administrative costs;

(6) Provides the state with maximum flexibility with regard to existing federal mandates and regulations and with implementing cost controls as determined appropriate by the state, and either exempts the state from the requirements of any new mandates, regulations, or federal court orders during the period of block grant financing or increases the amount of block grant financing to offset any cost increases to the state from such mandates, regulations, or federal court orders;

(7) Provides the state with maximum flexibility regarding pharmacy benefits including fluctuation of prescription drug costs, diabetic testing supplies, and over-the-counter medications;

(8) Provides the state with maximum flexibility to serve other needy populations with distinct financial or healthcare needs; and

(9) Remains at the level set according to the block grant without any decrease in the federal share of all medical assistance funding for this state based on deflation or a reduction in population.

(b) A waiver amendment to the existing TennCare II waiver requested pursuant to subsection (a), if approved by the federal government and the commissioner of finance and administration, does not take effect unless subsequently authorized by joint resolution of the general assembly.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Paul Bailey

/s/ Senator Mike Bell

Senator Katrina Robinson

/s/ Senator Bo Watson

Senator Jeff Yarbrow

/s/ Representative Timothy Hill

/s/ Representative Jason Zachary

/s/ Representative Dan Howell

Senator Bailey moved that the Conference Committee Report on **House Bill No. 1280/Senate Bill No. 1428** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 26

Noes . . . . . 6

Senators voting aye were: Bailey, Bell, Bowling, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Watson, White, Yager and Mr. Speaker McNally--26.

Senators voting no were: Akbari, Briggs, Gilmore, Kyle, Robinson and Yarbrow--6.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 510/HOUSE BILL NO. 419**

The report was received and filed with the Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 510/HOUSE BILL NO. 419**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 419 (Senate Bill No. 510) has met and recommends that all amendments be deleted:

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following as a new part:

56-7-3501. This part shall be known and may be cited as the "Tennessee Right to Shop Act."

56-7-3502. As used in this part:

(1) "Allowed amount" means the contractually agreed upon payment amount between a carrier and a healthcare entity participating in the carrier's network, excluding any member deductible, co-pay, or other obligation;

(2) "Commissioner" means the commissioner of commerce and insurance;

(3) "Comparable healthcare service" includes, but is not limited to:

(A) Physical and occupational therapy services;

(B) Radiology and imaging services;

(C) Laboratory services; and

(D) Infusion therapy;

(4) "Department" means the department of commerce and insurance;

(5) "Health plan" means health insurance coverage as defined in § 56-7-109;

(6) "Healthcare entity" means:

(A) Any healthcare facility licensed under title 33 or 68; and

(B) Any healthcare provider licensed under title 63 or 68;

(7) "Insurance carrier" or "carrier" means a health insurance entity as defined in § 56-7-109; and

(8) "Shopping and decision support program" means the program established by a carrier pursuant to this part.

56-7-3503.

(a)(1) Beginning upon approval of the next health insurance rate filing on or after January 1, 2021, a carrier offering a health plan in this state shall implement a shopping and decision support program that provides shopping capabilities and decision support services for enrollees in a health plan. Beginning on January 1, 2021, a carrier may provide incentives for enrollees in a health plan who elect to receive a comparable healthcare service from a network provider that is covered by the health plan and that is paid less than the average allowed

amount paid by that carrier to network providers for that comparable healthcare service before and after an enrollee's out-of-pocket limit has been met.

(2) Incentives, effective January 1, 2021, may be calculated as a percentage of the difference between the amount actually paid by the carrier for a given comparable healthcare service and the average allowed amount for that service. Incentives may be provided as a cash payment to the enrollee, a credit toward the enrollee's annual in-network deductible and out-of-pocket limit, or a credit or reduction of a premium, a copayment, cost sharing, or a deductible.

(3) The shopping and decision support program may provide each enrollee with at least fifty percent (50%) of the carrier's saved costs for each comparable healthcare service. However, the shopping and decision support program may exclude incentive payments, credits, or reductions for services where the savings to the carrier is fifty dollars (\$50.00) or less.

(4) The average allowed amount must be based on the actual allowed amounts paid to network providers under the enrollee's health plan within a reasonable timeframe, not to exceed one (1) year.

(5) Annually, at enrollment or renewal, a carrier shall provide, at a minimum, notice to enrollees of the right to obtain information described in subdivision (a)(4) and the process for obtaining the information, and a description of how to earn any incentives. A carrier shall provide this notice on the carrier's website and in health plan materials provided to enrollees.

(b) An insurance carrier shall make the shopping and decision support program available as a component of all health plans offered by the carrier in this state.

(c) Prior to offering the shopping and decision support program to any enrollee, a carrier shall file a description of the shopping and decision support program established by the carrier pursuant to this section with the department. The insurance carrier has discretion as to the appropriate format for providing the information required and may customize the format in order to provide the most relevant information necessary to permit the department to determine compliance. The department may review the filing made by the carrier to determine if the carrier's shopping and decision support program complies with this section.

(d)(1) Beginning January 1, 2022, a carrier shall annually file with the department for the most recent calendar year the total number of comparable healthcare service incentive payments made pursuant to this section, the use of comparable healthcare services by category of service for which comparable healthcare service incentive payments

were made, the total incentive payments made to enrollees, the average amount of incentive payments made by service for the transactions, and the total number and percentage of a carrier's enrollees that participated in the transactions.

(2) Beginning in 2022 and by April 1 of each year thereafter, the commissioner shall submit an aggregate report for all carriers filing the information required by this subsection (d) to the commerce and labor committee of the senate and the insurance committee of the house of Representatives. The commissioner may set reasonable limits on the annual reporting requirements on carriers to focus on the more popular comparable healthcare services.

56-7-3504.

(a)(1) Except as provided in subdivision (a)(2), beginning upon approval of the next health insurance rate filing on or after January 1, 2020, a carrier offering a health plan in this state shall comply with this section.

(2) On and after December 1, 2020, a carrier offering a health plan in this state shall make available the interactive member portal described in subsection (b), and may make available the toll-free phone number described in subsection (b).

(b)(1) A carrier shall make available an interactive member portal or a toll-free phone number that enables an enrollee to request and obtain from the carrier information on out-of-pocket costs to the enrollee for the comparable healthcare services or on the average payments made by the carrier to network entities or providers for comparable healthcare services, as well as quality data for those providers, to the extent available.

(2) The member portal or toll-free phone number must allow an enrollee seeking information about the cost of a particular healthcare service to estimate out-of-pocket costs applicable to that enrollee and compare the average allowed amount paid to a network provider for the procedure or service under the enrollee's health plan within a reasonable timeframe not to exceed one (1) year.

(3) The out-of-pocket estimate must provide a good faith estimate based on the information provided by the enrollee or the enrollee's provider of the amount the enrollee will be responsible to pay out-of-pocket for a proposed non-emergency procedure or service that is determined by the carrier to be a medically necessary covered benefit from a carrier's network provider, including any copayment, deductible, coinsurance, or other out-of-pocket amount for any covered benefit, based on the information available to the carrier at the time the request is made, and subject to further medical necessity review by the carrier. A carrier may contract with a third-party vendor to comply with this subsection (b).

(4) A carrier shall provide the information described in this subsection (b) by the carrier's member portal or toll-free phone number even if the enrollee requesting the information has exceeded the enrollee's deductible or out-of-pocket costs according to the enrollee's health plan. Existing transparency mechanisms or programs that estimate out-of-pocket costs for enrollees still within their deductible qualify under this section as long as those mechanisms or programs continue to disclose the estimated average allowed amount even after an enrollee has exceeded the enrollee's deductible as well as any estimated out-of-pocket cost.

(c) Nothing in this section prohibits a carrier from imposing cost-sharing requirements disclosed in the enrollee's policy, contract, or certificate of coverage for unforeseen healthcare services that arise out of the non-emergency procedure or service or for a procedure or service provided to an enrollee that was not included in the original estimate.

(d) A carrier shall notify an enrollee that the provided costs are estimated costs, and that the actual amount the enrollee will be responsible to pay may vary due to unforeseen services that arise out of the proposed non-emergency procedure or service.

56-7-3505.

At the request of a patient, a healthcare provider licensed under title 63 or 68 shall provide a copy of an order for a comparable healthcare service within two (2) business days of the request.

56-7-3506.

The state insurance committee, created by § 8-27-201, shall publish a report no later than January 1, 2020, on examples of shared savings incentive programs that directly incentivize current enrollees and retirees to shop for lower cost care in other states and consider implementation of such a program in this state. The state insurance committee may implement such a program as part of the next open enrollment period if it is believed to be cost effective. The state insurance committee shall share the report in writing to the government operations committees in both the senate and house of /s/ Representatives.

56-7-3507.

The commissioner is authorized to promulgate rules as necessary to implement this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

56-7-3508.

Except for § 56-7-3506, and notwithstanding § 56-7-1005, this part does not apply to:

(1) Any managed care organization contracting with the state to provide insurance through the TennCare program or the CoverKids program; or

(2) Any plan described in Section 1251 of the federal Patient Protection and Affordable Care Act (42 U.S.C. § 18011) and Section 2301 of the federal Health Care and Education Reconciliation Act.

56-7-3509.

Notwithstanding this part, the total value of incentives offered to any one (1) enrollee must not exceed five hundred ninety-nine dollars (\$599) in any year.

56-7-3510.

(a) The Tennessee advisory commission on intergovernmental relations (TACIR) is directed to perform a study of any cost savings realized by enrollees with health plans, including private health plans and state funded health plans, in states that have adopted legislation or programs that require carriers offering health plans in those states to offer incentive programs to enrollees for shopping for healthcare services at lower costs, commonly referred to as "Right to Shop" legislation or programs. The study shall include, at a minimum, an examination of savings realized by such programs in Maine, New Hampshire, Florida, Arizona, and Kentucky.

(b) All appropriate state departments and agencies shall provide assistance to TACIR.

(c) TACIR shall report its findings to the general assembly no later than December 2020.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it, and shall apply to all health plans entered into or renewed on or after that date.

/s/ Senator Kerry Roberts  
/s/ Senator Raumesh Akbari  
/s/ Senator Paul Bailey

/s/ Representative Robin Smith  
/s/ Representative Martin Daniel  
/s/ Representative Cameron Sexton

Senator Roberts moved that the Conference Committee Report on **Senate Bill No. 510/House Bill No. 419** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes . . . . . 33  
Noes . . . . . 0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bill 524. The House concurred in Senate Amendment No. 3, and nonconcurred in Senate Amendment No. 2.

TAMMY LETZLER  
Chief Clerk

**CALENDAR NO. 2**

**House Bill No. 524** -- Business and Commerce -- As introduced, deletes provision that required the office of small business advocate to report the status of the office's web page project no later than February 15, 2013. Amends TCA Title 4; Title 5; Title 6; Title 7; Title 12; Title 47; Title 48; Title 61 and Title 67, as amended.

Senator Crowe moved to lift from the table a motion to reconsider on **House Bill No. 524**, as amended, which motion prevailed.

Senator Crowe moved that the Senate reconsider its action in passing **House Bill No. 524**, as amended, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 2 to **House Bill No. 524**, as amended, which motion prevailed.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 524** was repassed on third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Akbari, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gilmore, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Kyle, Lundberg, Massey, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--33.

A motion to reconsider was tabled.

**MOTION**

Senator Johnson moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 655**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 655** -- General Assembly, Adjournment -- Adjourns 2019 session on May 2, 2019.



**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 655** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Johnson moved that a committee be appointed by the Speaker to notify the House that the Senate had completed its business and was ready to adjourn, which motion prevailed.

Senator Johnson moved that a committee be appointed by the Speaker to notify the Governor that the Senate had completed its business and was ready to adjourn, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEES**

Mr. Speaker McNally announced the appointments of Johnson, Chairperson; Akbari, Haile, Watson and Yager to notify the Governor that the Senate had completed its business and was ready to adjourn.

Mr. Speaker McNally announced the appointments of Senators Niceley, Chairperson; Gilmore, Gresham, Hensley and Lundberg to notify the House that the Senate had completed its business and was ready to adjourn.

**RECESS**

The Senate stood in recess pending reports from the two committees.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker McNally.

**ROLL CALL**

Mr. Speaker McNally declared that a quorum was present.

On motion, the roll call was dispensed with.

**NOTICE**

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed by the House to notify the Senate that the House has completed its business and is ready to adjourn in accordance with House Joint Resolution No. 655.

TAMMY LETZLER,  
Chief Clerk

**REPORT OF SELECT COMMITTEES**

Senator Johnson reported to the Senate, the Governor was notified the Senate completed its business and was ready to adjourn.

Senator Lundberg reported to the Senate, the House was notified the Senate completed its business and was ready to adjourn.

**MOTION**

On motion of Senator Powers, his name was added as sponsor of **Senate Bill No. 648**.

On motion of Senator Rose, his name was added as sponsor of **Senate Joint Resolution No. 178**.

On motion of Senators Kelsey, Stevens and Yager, their names were added as sponsors of **House Joint Resolution No. 140**.

On motion of Senators Gilmore and Yarbrow, their names were added as sponsors of **House Joint Resolutions Nos. 651 and 652**.

On motion of Senator Crowe, his name was added as sponsor of **House Joint Resolution No. 654**.

**ENGROSSED BILLS**

May 2, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 153, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENGROSSED BILLS**

May 2, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 597; and Senate Joint Resolutions Nos. 637, 638 and 639; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENGROSSED BILLS**

May 2, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 561, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**ENGROSSED BILLS**

May 2, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 178, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENGROSSED BILLS**

May 2, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 640, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 655, adopted, for the Senate's action.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 153, substituted for House Bill on same subject and passed by the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 559, substituted for House Bill on same subject and passed by the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 9. The House acceded to the request of the Senate for the appointment of a Conference Committee. The Speaker appointed a Conference Committee composed of Reps. Staples, Ramsey, Moon, and Whitson to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 9.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 510. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 557. The House adopted the Conference Committee Report and made it the action of the House.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 154. Senate Joint Resolution No. 154 passed first reading April 24, 2019, second reading April 29, 2019, third and final reading and concurred in by a majority of the members of the One Hundred Eleventh General Assembly on May 2, 2019, pursuant to Article XI, Section 3 of the Constitution of Tennessee.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 637, 638, 639 and 640; concurred in by the House.

TAMMY LETZLER  
Chief Clerk

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: The House has appointed a new Conference Committee to House Bill No. 1280 composed of Reps. Hill (Sul), Howell and Zachary.

TAMMY LETZLER  
Chief Clerk

**ENROLLED BILLS**

May 2, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 41, 1359 and 1462; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

May 2, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 63, 95, 141, 281, 312, 432, 442, 498, 648, 679, 691, 861, 1107, 1238, 1268, 1347, 1371, 1455 and 1530; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**SIGNED**

May 2, 2019

The Speaker announced that he had signed the following: Senate Bills Nos. 41, 1359 and 1462.

**SIGNED**

May 2, 2019

The Speaker announced that he had signed the following: Senate Bills Nos. 63, 95, 141, 281, 312, 432, 442, 498, 648, 679, 691, 861, 1107, 1238, 1268, 1347, 1371, 1455 and 1530.

**SIGNED**

May 2, 2019

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 469, 533, 534, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 577, 578, 579, 580, 581 and 582.

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 28, 134, 264, 276, 425, 624, 625, 626, 633, 649, 888, 1119, 1122, 1135, 1137, 1163 and 1355; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 41, 1359 and 1462; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 2, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 469, 533, 534, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 577, 578, 579, 580, 581 and 582; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE GOVERNOR**

May 2, 2019

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 72, 275, 594, 668 and 731; and Senate Joint Resolutions Nos. 402, 452, 530, 531, 532, 588, 597, 598, 599 and 615; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**MOTION TO APPROVE THE JOURNAL**

Senator Johnson moved that the Senate Journal of the proceedings from the First Organizational Day through the Fifth Organizational Day, and the First Legislative Day through the Thirty-Fifth Legislative Day of the First Regular Session of the One Hundred Eleventh General Assembly be approved, which motion prevailed.

**ADJOURNMENT**

Thereupon, in accordance with **House Joint Resolution No. 655**, Mr. Speaker McNally declared the Senate of the First Regular Session of the One Hundred Eleventh General Assembly adjourned.

Randy McNally  
Speaker of the Senate

Attest: Russell A. Humphrey  
Chief Clerk of the Senate

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

All bills and joint resolutions presented to the Governor subsequent to April 23, 2019, for his actions, being within ten days of the adjournment of the First Regular Session of the One Hundred Eleventh General Assembly, prevents the return of said bills to the Senate within the ten-day period. Accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18, relating to the Governor's Veto Power of the Constitution of Tennessee.

**RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED  
TO GOVERNOR SUBSEQUENT TO ADJOURNMENT**

**ENROLLED BILLS**

May 3, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 583, 584, 585, 586, 587, 589, 590, 591, 592, 593 and 629; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

May 3, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 640, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

May 3, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 76, 81, 82, 83, 84, 85, 86 and 87; and find same correctly enrolled and ready for the signature of the Speaker.

ALAN WHITTINGTON  
Deputy Chief Clerk

**SIGNED**

May 3, 2019

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 583, 584, 585, 586, 587, 589, 590, 591, 592, 593 and 629.

**SIGNED**

May 3, 2019

The Speaker announced that he had signed the following: Senate Joint Resolution No. 640.

**SIGNED**

May 3, 2019

The Speaker announced that he had signed the following: Senate Resolutions Nos. 76, 81, 82, 83, 84, 85, 86 and 87.

**MESSAGE FROM THE HOUSE**

May 3, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 63, 95, 141, 281, 312, 432, 442, 498, 648, 679, 691, 861, 1107, 1238, 1268, 1347, 1371, 1455 and 1530; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 3, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 583, 584, 585, 586, 587, 589, 590, 591, 592, 593, 629 and 640; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

May 3, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 28, 41, 134, 264, 276, 425, 624, 625, 626, 633, 649, 888, 1119, 1122, 1135, 1137, 1163, 1355, 1359 and 1462; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

May 3, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 63, 95, 141, 281, 312, 432, 442, 498, 648, 679, 691, 861, 1107, 1238, 1268, 1347, 1371, 1455 and 1530; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

May 3, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 469, 533, 534, 536, 537, 538, 539, 540,



**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

541, 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 577, 578, 579, 580, 581 and 582; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

May 6, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 153, 185, 510, 557 and 559; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**ENROLLED BILLS**

May 6, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 154, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

May 6, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 583, 584, 585, 586, 587, 589, 590, 591, 592, 593, 629 and 640; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE GOVERNOR**

May 6, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 469, 533, 534, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 577, 578, 579, 580, 581 and 582; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

May 6, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 583, 584, 585, 586, 587, 589, 590, 591, 592, 593, 629 and 640; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**ENROLLED BILLS**

May 7, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 594, 595, 596, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 630, 631, 632, 633, 634, 635, 636, 637, 638 and 639; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE HOUSE**

May 7, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555 and 556; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 7, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 521, for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**SIGNED**

May 7, 2019

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 594, 595, 596, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 630, 631, 632, 633, 634, 635, 636, 637, 638 and 639.

**SIGNED**

May 7, 2019

The Speaker announced that he had signed the following: House Joint Resolution No. 521.

**MESSAGE FROM THE HOUSE**

May 7, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 594, 595, 596, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 630, 631, 632, 633, 634, 635, 636, 637, 638 and 639; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**REPORT OF DEPUTY CHIEF CLERK**

May 7, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 594, 595, 596, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 630, 631, 632, 633, 634, 635, 636, 637, 638 and 639; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE GOVERNOR**

May 7, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 594, 595, 596, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 630, 631, 632, 633, 634, 635, 636, 637, 638 and 639; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**MESSAGE FROM THE HOUSE**

May 8, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1, 25, 76, 82, 111, 113, 129, 164, 207, 209, 213, 247, 257, 268, 350, 395, 405, 516, 557, 574, 594, 597, 634, 642, 667, 673, 674, 754, 760, 771, 794, 809, 830, 839, 886, 907, 911, 948, 950, 1016, 1067, 1075, 1077, 1087, 1132, 1162, 1169, 1192, 1265, 1300, 1330, 1339, 1354, 1392, 1416, 1423, 1461, 1498, 1512, 1514, 1530, 1531, 1532, 1534, 1535, 1537, 1538, 1540 and 1541; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 8, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600 and 601; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**SIGNED**

May 8, 2019

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555 and 556.

**SIGNED**

May 8, 2019

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600 and 601.

**MESSAGE FROM THE GOVERNOR**

May 8, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 7, 20, 21, 97, 109, 120, 121, 122, 123, 138, 143, 144, 147, 148, 149, 150, 151, 152, 181, 206, 294, 360, 504, 511, 558, 614, 634, 985, 1286, 1324, 1325, 1326, 1363 and 1443; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**MESSAGE FROM THE HOUSE**

May 9, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 185, signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**REPORT OF DEPUTY CHIEF CLERK**

May 9, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 185, for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**MESSAGE FROM THE GOVERNOR**

May 9, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bill No. 587, with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**MESSAGE FROM THE HOUSE**

May 10, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2, 167, 174, 197, 228, 316, 326, 353, 377, 471, 494, 498, 502, 509, 513, 518, 524, 565, 567, 605, 620, 624, 632, 643, 664, 714, 729, 740, 745, 786, 797, 867, 899, 909, 939, 982, 1187, 1233, 1252, 1262, 1264, 1270, 1280, 1425, 1441, 1483, 1508, 1509, 1510, 1511, 1533, 1536, 1542 and 1543; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 10, 2019

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 140, 452, 506, 587, 589, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654 and 655; for the signature of the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE HOUSE**

May 10, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 153, 510, 557 and 559; signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

May 10, 2019

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 154, signed by the Speaker.

TAMMY LETZLER  
Chief Clerk

**MESSAGE FROM THE GOVERNOR**

May 10, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 28, 41, 63, 95, 134, 141, 264, 276, 281, 312, 425, 432, 442, 498, 624, 625, 626, 633, 648, 649, 679, 691, 861, 888, 1107, 1119, 1122, 1135, 1137, 1163, 1238, 1268, 1347, 1355, 1359, 1371, 1455, 1462 and 1530; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**MESSAGE FROM THE GOVERNOR**

May 10, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 185 and 1257, with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**MESSAGE FROM THE GOVERNOR**

May 10, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 267, 272, 309, 408, 447, 467, 479, 540, 659, 801, 1237 and 1417; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor

**SIGNED**

May 13, 2019

The Speaker announced that he had signed the following: House Bills Nos. 1, 25, 76, 82, 111, 113, 129, 164, 207, 209, 213, 247, 257, 268, 350, 395, 405, 516, 557, 574, 594, 597, 634, 642, 667, 673, 674, 754, 760, 771, 794, 809, 830, 839, 886, 907, 911, 948, 950, 1016, 1067, 1075, 1077, 1087, 1132, 1162, 1169, 1192, 1265, 1300, 1330, 1339, 1354, 1392, 1416, 1423, 1461, 1498, 1508, 1512, 1514, 1530, 1531, 1532, 1534, 1535, 1537, 1538, 1540 and 1541.

**THURSDAY, MAY 2, 2019 -- 35TH LEGISLATIVE DAY**

**SIGNED**

May 13, 2019

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 140, 452, 506, 587, 589, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654 and 655.

**REPORT OF DEPUTY CHIEF CLERK**

May 13, 2019

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 153, 510, 557 and 559; for his action.

ALAN WHITTINGTON  
Deputy Chief Clerk

**SIGNED**

May 14, 2019

The Speaker announced that he had signed the following: House Bills Nos. 2, 167, 174, 197, 228, 316, 326, 353, 471, 498, 502, 513, 518, 524, 565, 567, 605, 624, 632, 664, 714, 729, 740, 745, 786, 797, 867, 899, 909, 982, 1233, 1252, 1262, 1264, 1270, 1280, 1425, 1441, 1483, 1509, 1510, 1511, 1533 and 1536.

**SIGNED**

May 17, 2019

The Speaker announced that he had signed the following: House Bills Nos. 377, 494, 509, 620, 643, 939, 1187, 1542 and 1543.

**MESSAGE FROM THE GOVERNOR**

May 21, 2019

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 153, 510, 557 and 559; with his approval.

LANG WISEMAN,  
Deputy and Counsel to the Governor